

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1540 OF 2022

Trilochan Luha

.... ***Petitioner***
Mr.S. Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.S. Nayak, AGA

CORAM:
MR. JUSTICE D.DASH

Order No.
03.

Order
08.08.2022

1. The matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. This is the successive journey of the Petitioner, who is in custody in connection with Subalaya P.S. Case No.69 of 2020 corresponding to S.T. Case No.30 of 2021 on the file of learned Sessions Judge, Sonapur running for alleged commission of offence under section 147/148/341/323/337/302/149 of the IPC, in filing this application under section 439 Cr.P.C., has prayed for his release on bail.
3. Learned counsel for the Petitioner submitted that this Petitioner having been arrested in the above noted case, is in custody since 02.11.2020. He further submitted that as per the prosecution case, the Petitioner and the deceased were engaged in hot exchange of words and thereafter, the Petitioner is said to have assaulted the deceased. It was submitted that the dispute between the Petitioner and co-accused on one hand and the deceased on the other had taken place in relation to laying of foundation of the house by the Informant. He next submitted that when the witness Pranabandhu has stated that the Petitioner had assaulted on the

head of his father, the other witness Binodini has not stated in that light and then the medical evidence does not support the said ocular testimony of the witnesses as the doctor has noticed only one lacerated injury on the head of the deceased. He submitted that the investigation of the case is complete and there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence. It was submitted that for such long detention of the Petitioner in custody, his family members are suffering a lot and they are no more in a position to continue without the help of this Petitioner. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice, he urged for reconsideration of the prayer for grant of bail to the Petitioner as according to him, further detention of the Petitioner in custody would serve no useful purpose.

4. Learned counsel for the State opposed the move. According to him, this Petitioner being one of the assailants as to have been named by the witnesses, the stage is too premature to take a view on the veracity of the prosecution case.

5. Considering the submissions made and on going through the materials on record, as placed; further taking into account the surrounding circumstances including the period of detention of the Petitioner in custody, it is directed that the Petitioner be released on bail by the Court in seisin of the case on such terms and conditions as deemed just and proper with further conditions that the petitioner will appear in person before the Court in seisin of the case on each and every date of posting of the case till conclusion of the trial; shall appear before the Inspector-in-Charge of the concerned P.S. on every Monday in between 10.00 am to 2.00 pm

till conclusion of the Trial; shall not indulge himself in any criminal activities; and shall not leave the jurisdiction of the Court in seisin of the case without prior permission of the said Court.

6. Violation of any of the above condition(s) shall entail cancellation of bail.

7. The BLAPL is accordingly disposed of.

Issue urgent certified copy of this on proper application.

**(D. Dash),
Judge.**

Basu

