

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1543 of 2022

Somya Ranjan Mohapatra

Petitioner

Mr.D.Routray, Advocate

-versus-

State of Odisha

Opp. Party

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

30.06.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Nayapalli P.S. Case No.259 of 2019 corresponding to C.T. Case No.2392(A) of 2019 pending in the Court of learned 3rd Additional Sessions Judge, Bhubaneswar for offences punishable under sections 147, 148, 302, 341, 427 of the Indian Penal Code and sections 3 and 4 of Explosive Substances Act.

The petitioner moved an application for bail before the Court of learned 3rd Additional Sessions Judge, Bhubaneswar, which was rejected on 31.01.2022.

Learned counsel for the petitioner submitted that the petitioner Soumya Ranjan Mohapatra is in judicial custody since 23.08.2020 and he has been charge sheeted under sections 147, 148, 302, 341, 427 of the Indian Penal Code and sections 3 and 4 of Explosive Substances Act and his earlier bail application in BLAPL No.3438 of 2021 was rejected as per order dated 25.10.2021 and liberty was granted to the petitioner to renew the prayer for bail after examination of the eye witnesses in the trial Court. Learned counsel further submitted that in the meantime five witnesses have already been examined including two eye witnesses, namely, Laxmidhar Behera and Kamalakanta Behera as P.W.4 and P.W.5 respectively and none of them have supported the prosecution case. It is further submitted that one of the co-accused, namely, Subharaj Moharana @ Sikan has been released on bail by this Court in BLAPL No.1493 of 2022 as per order dated 24.06.2022 and therefore, the bail application of the petitioner may be favourably reconsidered. Learned counsel for the petitioner has filed the bail order copy of the co-accused in Court today, which is taken on record.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the fact that the eye witnesses to the occurrence have not

supported the prosecution case and similarly situated co-accused has already been released on bail and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.
Issue urgent certified copy as per Rules.

(**S.K. Sahoo**)
Judge

PKSahoo