

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1576 of 2022

Shiva Murmu @ Shiva & another **Petitioners**
Mr. R.N. Rout, Advocate

- Versus -

State of Odisha **Opposite Party**
Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
18.04.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody in connection with Bamapada Industrial Area P.S. Case No.199 of 2021 corresponding to C.T. Case No.1025 of 2021 pending in the Court of learned S.D.J.M., Balasore for the alleged commission of offence under Sections 341/388/302/201/34 of IPC.
4. It is submitted that several co-accused persons have already been released on bail as per orders passed by this Court in BLAPL No.11307 of 2021 and BLAPL No. 1234 of 2022. It is further submitted that the present petitioners stand exactly on the same footing as the persons who have been granted bail. A perusal of the bail orders passed by this Court in respect of the other accused persons reveals that they stand on a different footing inasmuch as accused- Kalia @ Satish Kumar Sahoo (BLAPL No. 11307 of 2021) was alleged to have only assisted the other accused persons and accused Ajaya Pradhan (BLAPL No. 1234 of 2022) was not attributed with any specific overt act during the assault on the deceased. However, in so far as the involvement of the present

petitioners is concerned, a reading of the statement of witness, Peta @ Sridhar Tunga clearly reveals that the petitioners have assaulted the deceased along with other accused persons. Though it is submitted that there is no allegation that the petitioners were holding any weapons, yet the same is not acceptable in view of the clear allegation that the petitioners and other accused persons had assaulted the deceased and also tied him to a cement pole and thereafter demanded ransom from his mother after severely assaulting him.

5. Considering the materials on record which show a strong prima face case against the petitioners, I am not inclined to allow the prayer for bail, which is therefore, rejected. It is however, open to the petitioners to renew their prayer after examination of some material witnesses including Peta @ Sridhar Tunga.

6. BLAPL is accordingly rejected.

(Sashikanta Mishra)
Judge

A.K. Rana

