

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1960 of 2022

Niko @ Lambu Muthamajhi

....

Petitioner(s)

Mr.S.Dwibedi,
Advocate

-versus-

State of Orissa

....

Opposite Party(s)

Mr.S.P.Panda, AGA

CORAM:

JUSTICE BISWANATH RATH

ORDER

25.07.2022

Order No.

2.

1. Heard learned counsel appearing for the parties.

2. This is in 5th round of bail application. Four previous bail applications have already been rejected. The petitioner has been implicated for the offence under Section 302, 201 and 120-B of the I.P.C involving S.T. Case No.27 of 2017 arising out of G.R. Case No.391 of 2016 corresponding to Kotagarh P.S. Case No.43 of 2016 pending on the file of learned Additional Sessions Judge, Balliguda. This Court records the submission of learned counsel for the petitioner that at least 28 number of witnesses have already been examined as on date many of whom have turned hostile and there is no likelihood of strengthening of the case even in spite of examination of rest of the witnesses. This Court finds two of the co-accused persons have already been released on bail by coordinate Benches. This Court here also finds the petitioner is already in custody since 16.10.2016 nearly six years. In the circumstance and considering the length of custody involving the petitioner, this Court is inclined to release the petitioner on bail in connection with S.T. Case No.27 of 2017 pending on the file of learned Additional Sessions Judge, Balliguda subject to however furnishing two sureties to the like amount of Rs.15,000/- (Rupees fifteen thousand)

each to the satisfaction of the court below. This bail order is however with the further condition that the petitioner shall not threaten the prosecution witnesses and shall appear and file hazira in the trial court at least on last Saturday of each month.

The bail application stands disposed of accordingly.

(Biswanath Rath)
Judge

sks

