

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1778 of 2021

Sanjeeb @ Sanjb Kumbhar Petitioner

Mr. B.B. Routray, Advocate

-versus-

State of Odisha Opp. Party

*Mr. S.S. Pradhan,
Addl. Government Advocate*

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

**ORDER
17.03.2022**

Order No.

08. 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 for bail under section 439 of Cr.P.C. in connection with C.T. Case No.11 of 2020 arising out of Sohela P.S. Case No.167 of 2019 pending in the Court of learned Additional Sessions Judge, Padampur for offences punishable under sections 302/307/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Padampur, which was rejected on 19.01.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since

10.10.2019 and he has been charge sheeted under sections 302/307/34 of the Indian Penal Code.

The earlier bail application of the petitioner in BLAPL No.2505 of 2020 was rejected as per the order dated 09.10.2020 and liberty was granted to the petitioner to renew the prayer for bail after examination of the eye witnesses in the trial Court.

When the matter was taken up on 01.12.2021, the learned counsel for the State on verification of the case record submitted that there are four eye witnesses to the occurrence and they are Sachida Jhankar @ Nilu, Bishnu Sahoo, Ananta Panigrahi and Pradeep Taria and accordingly, this Court passed the order that the Inspector in-charge of Sohela police station shall appear before the learned trial Court, receive summons in respect of the aforesaid four witnesses and ensure their attendance on the date fixed.

Learned counsel for the petitioner submitted that all those four eye witnesses have already been examined and they have not stated anything against the petitioner. It is further submitted that till date, seven witnesses have been examined and no material has come out against the petitioner and therefore, the bail application of the petitioner may be favourably reconsidered.

Mr. S.S. Pradhan, learned Additional Government Advocate, on the other hand, submitted

that apart from the four witnesses, whose names have been reflected in the order dated 01.12.2021, three other persons, who are the injured eye witnesses have also stated about the occurrence and they are Daktar Bhoi, Bidyadhar Bhoi and Khirodra Bhoi, however he fairly submitted that none of those witnesses have named the petitioner and during the course of investigation, no test identification parade has been made after the arrest of the petitioner for the purpose of his identification through those three eye witnesses.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the nature of evidence adduced so far during the trial and 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 subject to condition that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

RKM

(S.K. Sahoo)
Judge

