

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2957 of 2022

***Soubhagya Ranjan Sahu @
Nityanand and another***

....

Petitioner

Mr.Ashok Ku. Sarangi, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.M.K.Mohanty, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

07.09.2022

Order No.

- 07.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Jarpada P.S.Case No.102 of 2021, corresponding to G.R.Case No.336 of 2021 pending in the file of the learned J.M.F.C., Chhendipada which has subsequently been committed to the learned Additional District & Sessions Judge-cum-Special Judge (Vigilance) Angul, for commission of alleged offences under Sections 302/34 of the Indian Penal Code.
 3. Heard learned counsel for both the parties. Perused the F.I.R., Case Diary and statement of witnesses.
 4. It is submitted by the learned counsel for the Petitioner that earlier the Petitioner approached this Court in BLAPL No.7667 of

2021 and vide order dated 03.01.2022 this Court while allowing Puri alias Purusottam Sahu to go on bail, so far as the present Petitioner Nitya @ Soubhagya Sahu is concerned, the bail application was disposed of as not pressed. Further, it is submitted by the learned counsel for the Petitioner that the time when the bail application of the Petitioner was considered charge sheet has not been submitted. He further submits that in the meantime investigation has been completed on 19.10.2021 and charge sheet has been filed. On verification of rejection order of the previous order, it appears that earlier rejection order is dated 18.08.2021. Further it is stated that charge sheet was filed on 19.10.2021. Therefore, the Petitioner again moved the learned court below by filing a bail application which was rejected on 17.03.2022 taking a specific ground that co-accused Puri @ Purusottam Naik has already been released on bail by this Court in BLAPL No.7669 of 2021.

5. Learned Additional Standing Counsel on the other hand opposes the bail application of the Petitioner on the ground that some of the witnesses have stated that the Petitioner assaulted the deceased with fist blows, who was under the influence of liquor and to prevent him from creating further nuisance the Petitioner and others tried to resist from their fist blows as a result of which the deceased had died at the spot. Further referring to the P.M. report learned Additional Standing Counsel submits that according to P.M. report although the death was due to asphyxia, however the possibility of homicidal death cannot be ruled out.

5. Learned Additional Standing Counsel on the other hand opposes the prayer of bail on the ground that there is materials to show that the Petitioner and other accused persons had assaulted the deceased. However learned Additional Standing Counsel submits that the bail

application of the Petitioner be ejected at this juncture.

6. Having regard to the facts and circumstances of the case, and after perusal of the surrounding facts and circumstances and the nature of allegations made against the Petitioner, taking into consideration that the co-accused persons stand on similar footing have already been released on bail this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- i) He shall not involve himself in any other offence during the period of bail.
- ii) He shall appear before the trial court on each and every date as fixed by the Court.
- iii) He shall not tamper with the prosecution evidence.
- iv) He shall not influence or threaten any prosecution witness and cooperate with the investigation.
- v) Violation of any of the conditions shall entail cancellation of bail.

7. It is further directed that the Court in seisin over the matter to impose any additional condition, if situation so warrants.

8. With the above direction the BLAPL is accordingly disposed of.

9. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge