

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3170 of 2022

Rajendra Pal

....

Petitioner

Mr.P.S. Nayak, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Manoranjan Mishra

Addl. Standing Counsel

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

ORDER

12.08.2022

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 for bail under section 439 of Cr.P.C. in connection with Plantsite P.S. Case No.350 of 2020 corresponding to S.T. Case No.64 of 2021 pending in the Court of learned 1st Additional Sessions Judge, Rourkela for offences punishable under sections 147/148/149/302/120-B of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 01.11.2020 and he has been charge sheeted under sections 147/148/302/149 read with section 120-B of the Indian Penal Code. He further submitted that the

petitioner had earlier approached this Court twice i.e. in BLAPL No.3078 of 2021 and BLAPL No.11565 of 2021 and both have been disposed of.

Learned counsel for the petitioner submitted that the implication of the petitioner in the case is based on the dying declaration made by the deceased Sagar Ray before the Auto driver Bijay Prasad, his father Premnath Ray and two brothers Pruthiraj Ray and Prakash Ray and similarly situated co-accused, namely, Prasant Senapati @ Dadu @ Piku has been directed to be released on bail by this Court in BLAPL No.1156 of 2021 as per order dated 17.03.2022 and therefore, the bail application of the petitioner may be favourably considered.

Mr. Manoranjan Mishra, learned Addl. Standing counsel for the State opposed the prayer for bail and after verifying the dying declaration made by the deceased before the aforesaid four witnesses fairly submitted that the petitioner is similarly situated like the co-accused Prasant Senapati @ Dadu @ Piku. However, he submitted that at the instance of the petitioner one stick was recovered basing on his statement recorded under section 27 of the Evidence Act. Learned counsel for the petitioner submitted that similar material is also there against the co-accused Prasant Senapati @ Dadu @ Piku.

Considering the submissions made by the learned counsel for the respective parties, the nature

of accusation against the petitioner, absence of any direct evidence, release of the similarly situated co-accused person on bail, I am inclined to release the petitioner on bail.

Let petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper including the further conditions that he shall appear before the learned trial Court on each date to which the case would be posted for trial and shall not try to tamper with the evidence.

Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge