

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3299 of 2022

Sunil Dora @ Kankad* *Petitioner

Mr. S.S. Das
Senior Advocate

-versus-

State of Odisha* *Opp. Party

Mr. Arupananda Das,
Addl. Government Advocate

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

**ORDER
29.09.2022**

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mr. S.S. Das, learned Senior Advocate appearing for the petitioner and Mr. Arupananda Das, learned Addl. Government Advocate for the State.

This is an application 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 Addl. Sessions Judge, Rourkela for offences punishable under sections 147, 148, 302, 149, 120-B of the Indian Penal Code.

The petitioner moved an application for bail before the Court of 1st Addl. Sessions Judge, Rourkela, which was rejected on 06.04.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 01.11.2020 and his earlier bail application in BLAPL No. 2513 of 2021 was rejected as per order dated 01.09.2021 taking into account the oral dying declaration made by the deceased and liberty was granted to the petitioner to renew his prayer for bail after examination of the witnesses to the dying declaration. Learned counsel further submitted that P.W.3 is a witness to the oral dying declaration and he has named some persons to have assaulted the deceased and out of them co-accused Prasanta Senapati @ Dadu @ Piku has been enlarged on bail as per order dated 17.03.2022 passed by this Court in BLAPL No. 11565 of 2021 and co-accused Rajendra Pal has been directed to be released on bail in BLAPL No.3170 of 2022 as per order dated 12.08.2022. Learned counsel further submitted that since the petitioner stands on the similar footing with that of the aforesaid co-accused persons, the bail application may be favourably reconsidered. Learned counsel files the copy of the order dated 12.08.2022, which is taken on record.

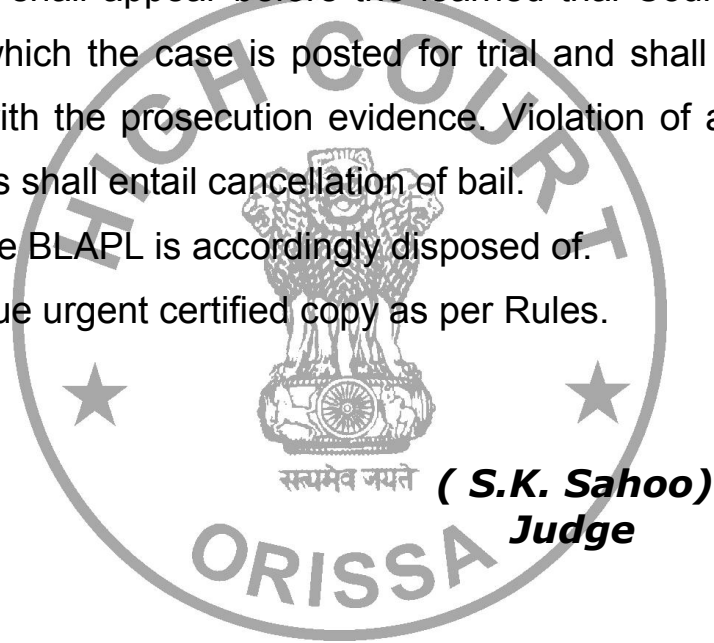
Mr. Arupananda Das, learned counsel for the State after going through the evidence of P.W.3 fairly submitted that the petitioner is similarly situated like that of the co-accused persons, who have been enlarged on bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, absence of any direct evidence, nature of evidence adduced by the witnesses in the learned trial Court and since the similarly situated co-accused persons

have been granted bail and taking into account 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 including the conditions that the petitioner shall appear before the learned trial Court on each date to which the case is posted for trial and shall not try to tamper with the prosecution 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.



PKSahoo