

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2782 of 2021

Satyapriya Pradhan

....

Petitioner

Mr.D.P.Dhal, Sr. Adv.

-versus-

State of Odisha

.... Opposite Party

Mr.S.S.Kanungo, AGA

CORAM:

JUSTICE S.K. PANIGRAHI

Order
No.5

ORDER
30.03.2022

1. This matter is taken up by hybrid mode.
2. This is the successive bail application filed by the petitioner on the ground of parity.
3. The Petitioner being in custody in connection with Kantamal P.S.Case No.104 of 2020 corresponding to C.T. Case No.188 of 2020, after commitment renumbered as S.T. No.4 of 2021, pending before the court of the learned District and Sessions Judge, Boudh, registered for the alleged commission of offence under Section 302 of the Indian Penal Code, has filed this application under Section 439 of Cr.P.C. for his release on bail.
4. The prosecution story, in brief, is that on 23.07.2020 the deceased left his house at about 7.00 P.M. by his motor cycle and did not return home till late hours of the night. It is further alleged that his mobile was also not responding and on the next day the dead body of the deceased bearing multiple injuries was found near the Landabahal canal/Nala.

5. Learned counsel for the petitioner submits that the allegations leveled against him are fabricated and baseless. Further, there is no *prima facie* evidence available to implicate him in the alleged offence. This entire case is borne out of some previous disputes. Even none has seen the petitioner inflicting any blow on the deceased. Meanwhile, chargesheet has already been submitted and the petitioner has been languishing in custody since 28.07.2020. Moreover, the co-accused has already been granted bail by order of this Court vide BLAPL No.6631 of 2020 and by the principle of parity the petitioner seeks to be released on bail

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner with the submission that the present petitioner does not stand on similar footing with the co-accused.

7. Having scrutinized the case record, this Court is of the opinion that the petitioner deserves to be released on bail on the ground of non-availability of ocular evidence of any witness to implicate him, period of custody and similarly placed co-accused has already been granted bail. Accordingly, it is directed that the petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the learned court in *seisin* over the matter with further conditions that:-

- i. the petitioner shall appear before the learned trial court on each date of posting of the case;
- ii. he shall not indulge himself in any criminal offence while on bail; and

iii he shall not tamper with the evidence of the prosecution witnesses in any manner.

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

9. The BLAPL is, accordingly, disposed of.

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

(S.K.Panigrahi)
Judge



LB/BJ