

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3493 of 2022

Suraj Gope

....

Petitioner

M/s.Susil Kumar Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

16.05.2022

Order No.

01. 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 Joda P.S. Case No.169 of 2021, corresponds to G.R. Case No.588 of 2021, pending in the file of learned J.M.F.C., Barbil, for commission of alleged offences under Sections 147/148/341/294/332/323/324/325/186/307/395/427/149/120B of I.P.C. and Section 7 of Criminal Law Amendment Act and Sections 150/151/152 of Railway Act, 1989 and Section 3 of Prevention of Damage to Public Property Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 22.10.2021. It is further submitted

that police after completion of investigation submitted charge-sheet in the matter. The further submission is that although he is not named in the FIR, the police intentionally implicated his name. It is also stated that the principal accused namely Gita Chattar has already been released on bail by order of this Court dated 16.3.2022 in BLAPL No.11051 of 2021. It is further submitted that the prosecution witnesses do not point any finger at this Petitioner as to have assaulted the deceased or instigated to assault the deceased to death which is attributed to accuse persons namely, Gita, Srikant, Chiku, Dipu, Leda, Ghasi and Tapai. He therefore urges for reconsideration of the prayer for grant of bail to the Petitioner on such terms and conditions as deem just and proper.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner on the ground that heinous offence has been alleged against the Petitioner. According to him, the Petitioner is one among those who had carried the dead body to the Railway Platform where the incident has taken place. It is stated that although this Petitioner has not been specifically named to be one of the assailants, his presence at the place has been spelt out.

6. Taking into account the submissions made, further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody, while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released

on bail on such terms and conditions as deemed just and proper by the Court in seisin of the matter with further conditions that:-

- i) Petitioner will appear in person before the Court in seisin of the case on each date of posting of the case till conclusion of the trial;
- ii) will appear before concerned police station once in every Monday in between 10 A.M. to 2 P.M. and
- iii) will not threaten or terrorize the prosecution witnesses in any manner and indulge himself in any criminal activity.

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

8. The BLAPL is accordingly disposed of.

9. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge