

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3547 of 2022

Lalu Kujur

....

Petitioner

Mr. Arun Kumar Budhia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K.Mohanty, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

29.06.2022

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 Rajgangpur P.S. Case No.90 of 2021, corresponding to G.R. Case No.162 of 2021, pending in the file of learned District & Sessions Judge, Sundargarh in S.T. Case No.75 of 2021, for commission of alleged offences under Sections 302,120(B)/34 of I.P.C.
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 Petitioner is languishing in jail custody since the date of his arrest, i.e. 10.04.2021. It is further submitted that police after completion of investigation has filed charge-sheet under Sections 302/120-B/34 of IPC against the Petitioner. Learned counsel for the Petitioner

submits that there are no direct materials against the present Petitioner in the alleged crime. He further submits that basing on the confessional statement the present petitioner has been implicated in the case. He also submitted that merely on the basis of confessional statement of the co-accused person, petitioner cannot be detained and conviction cannot be made. It is further submitted by learned counsel for the Petitioner that petitioner belongs to local person, therefore there is no possibility to fled away from the trial and further the Petitioner shall abide by the terms and conditions as would be fixed by this Court.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner on the ground that the co-accused person has implicated the present Petitioner in the crime. Considering the seriousness and gravity of allegation, learned counsel for the State urges for rejection of his bail application.

6. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local sureties for the like amount to the satisfaction of the learned court in seisin of the matter subject to the terms and conditions as would be deemed fit and proper by the trial court with a further condition that he shall not tamper with the prosecution evidence and threaten or terrorize the witness in any manner.

7. With the above direction, the BLAPL is accordingly allowed.

8. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

