

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.3640 of 2022

Samir Lugun

....

Petitioner

Mr.S. Ranjan Das, Adv.

-versus-

State of Odisha

....Opposite Party

Mr.G.R.Mohapatra,ASC

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

07.07.2022

01. 1.This matter is taken up by hybrid mode.
2. Heard, learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner being in custody in connection with Hatibari P.S. Case No.10 of 2020 corresponding to S.T. Case no.43(1) of 2020 pending in the court of learned 2nd Additional Sessions Judge, Rourkela for commission of offences under Sections 302, 201 read with Section 34 of the Indian Penal Code, has filed this application under Section 439 of CrPC for his release on bail.
4. It is alleged in the F.I.R. that on 31.01.2020 at about 10 P.M. the petitioner along with other co-accused committed the murder of the husband of the informant and threw the dead body into a well at village Ghogia Pradhantoli. The

informant frantically searched for him but could not trace him out. On 05.02.2020 at about 10 A.M. she heard that her husband's dead body was floating in the Pradhan Tool Well.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Though the informant-wife has been examined but she has not adduced any evidence implicating the petitioner. It is also submitted that out of 55 witnesses, 17 witnesses have been examined by the trial court but none of them have whispered a single incriminating word against him. Moreover, one co-accused who is similarly situated with the petitioner, has already been enlarged on bail by order of this Court vide order dated 07.03.2022 in BLAPL No.8239 of 2021. He has been languishing in custody since 11.02.2020. It is a fact that parity not a matter of right of the petitioner but in the present case the principle of parity does deserve some weightage.

6. Learned counsel for the State although vehemently opposes the prayer for bail of the petitioner but concedes the submission regarding long detention of the accused for more than two years.

7. Having heard learned counsel for the parties, considering the nature of allegation and the materials available on record and further keeping in view the period of custodial detention of the Petitioner, it is directed that the petitioner be released on bail in the aforesaid case on furnishing a 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 subject to following conditions:-

I. That the petitioner shall not be involved in any offence of the similar nature;

II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever.

III. he shall appear before the concerned Police Station once in a week preferably on "Sunday" in between 10 A.M. to 1 P.M. till conclusion of trial and

IV. he shall not make any default in attending the Court during trial on each date.

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

9. The BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per Rules.

(Dr.S.K.Panigrahi)
Judge

LB

