

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.3642 of 2022**

***Raju @ Mangu Badanaik***

***Petitioner***  
.....  
*M/s. J.K.Panda, Advocate*

***-versus-***

***State of Orissa***

***Opp. Party***  
.....  
*M/s.S.R.Roul, A.S.C.*

**CORAM:**

**JUSTICE G. SATAPATHY**

**ORDER**

**14.11.2022**

**Order No.**

- 06.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Chitrakonda P.S. Case No.55 of 1998 corresponding to C.T. Case No.129(A) of 2021 pending in the Court of learned Sessions Judge-cum-Special Judge, Malkangiri for commission of offence punishable U/Ss. 395/307/325/324/120-B of the I.P.C. read with Section 25 of Arms Act and Section 9 of Indian Explosive Act and subsequently charge sheet has been submitted U/Ss. 396/307/325/324/120-B of I.P.C. on the allegation of causing grievous hurt and attempting to the life of the informant and also committing dacoity with murder of the deceased by entering into a conspiracy with other co-accused persons.
  3. In the course of hearing of the bail application, Mr.J.K.Panda, learned counsel for the petitioner submits that the F.I.R. has been lodged against unknown persons but co-accused persons have already been acquitted in a trial. It is further submitted that this is a year old case and the transaction is of the year 1998 but the petitioner is inside jail custody since 27.08.2021 and in the circumstance, there is bleak

chance of petitioner tampering any evidence of prosecution witnesses and the petitioner, therefore, may kindly be admitted to bail.

4. Learned counsel for the State, however, without disputing about acquittal of co-accused persons in trial submits that since the allegations on record disclose prima facie case against the petitioner, he shall not be released on bail.

5. Considering the rival submissions made, acquittal of co-accused persons in the trial, the period of custody of the petitioner and keeping in view the fact that the transaction relates to an occurrence of around twenty four years ago and regard being had to the other circumstance on record including F.I.R. against un-known persons, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday every month in between 10 A.M. to 12 Noon. The I.I.C. of jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

7. It is clarified that the Special Judge will be at liberty to cancel

the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

8. Accordingly, the BLAPL stands disposed of.

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

**( G. Satapathy )**  
**Judge**

**Kishore**

