

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

**BLAPL No.3645 of 2022**

***Kadraka Apparao***

.... ***Petitioner***  
*Mr. R.N. Biswal, Advocate*

*-versus-*

***State of Odisha***

.... ***Opp. Party***  
*Mr. P.K. Pattnaik, AGA*

**CORAM:  
JUSTICE G. SATAPATHY**

**Order No.**

**ORDER**  
**09.12.2022**

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 C.T. Case No.495 of 2021 arising out of Lanjigarh P.S. Case No.43 of 2021 pending in the file of learned District and Sessions Judge, Kalahandi, Bhawanipatna for commission of offences punishable under Section 302 of IPC, on the allegation of committing murder of the deceased on suspicion of practicing with craft.
3. In the course of hearing of the bail application, Mr. R.N. Biswal, learned counsel for the petitioner submits that FIR has been lodged against unknown persons, but the present petitioner has been implicated in this case only on the basis of his disclosure statement and giving recovery of one axe from a pond which was a open place and the other co-accused persons have exclusive knowledge about the concealment of such weapon and when the place is accessible to everybody and more

particularly to the exclusive knowledge of co-accused, how such circumstance can be considered as a incriminating material against the petitioner to detain him in custody, even after more than one year. It is further submitted by him that co-accused Biswa Lohara @ Biswa Majhi and Chintamani Kulesika standing on similar footing have already been granted bail by this Court in BLAPL Nos.9699 of 2021 and 8031 of 2021 and, therefore, the petitioner having already detained in custody for more than one and half years without any fault, may kindly be released on bail.

4. On the contrary, Mr. P.K. Pattnaik, learned A.G.A. strongly opposes the bail application of the petitioner.

5. Considering the rival submissions made, taking into consideration the nature and gravity of the accusations raised against the petitioner and the surrounding circumstance in which the crime has been committed and keeping in view the supporting materials collected against the petitioner are his disclosure statement and recovery of axe from a pond and taking into account the release of co-accused Biswa Lohara @ Biswa Majhi and Chintamani Kulesika and the pre trial detention of the petitioner since 24.05.2021 and keeping in view the other circumstances on record in entirety, this Court admits the petitioner to bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior

permission till disposal of the case.

It is clarified that the Court in seisin of the case 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.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

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

***Subhasmita***

