

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3649 of 2022

Sania Khara @ Chhendia

....

Petitioner

M/s. M.K.Mohapatro, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s.S.R.Roul, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

23.12.2022

Order No.

- 02.
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.116 of 2021 corresponding to C.T. Case No.16 of 2022 pending in the Court of learned Sessions Judge-cum-Special Judge, Malkangiri for commission of offence punishable U/Ss. 302/34 of the I.P.C. on the allegation of committing murder of the deceased, along with co-accused persons in furtherance of their common intention.
 3. In the course of hearing of the bail application, Mr.M.K.Mohapatro, learned counsel for the petitioner submits that the petitioner has not been named in the FIR but the FIR discloses involvement of other four co-accused persons and the implication of the present petitioner is only on the basis of his confession before the Police which is inadmissible in the eye of law. It is further submitted that the inquest report of the deceased reveals that his dead body was found with both of his hands tied with a piece of cloth and a cloth

was wrapped over his belly which itself also contrary to the confession made by the petitioner before the police and, therefore, the petitioner having detained in judicial custody since 27.09.2021 with aforesaid suspicious materials, he may kindly be granted bail.

4. Mr.S.R.Roul, learned ASC however, strongly opposes the bail application of the petitioner.

5. Considering the rival submissions made, taking into consideration the nature and gravity of accusations raised against the petitioner as well as the surrounding circumstance in which the dead body of the deceased was found and taking into account the ground of the implication of the petitioner in this case and regard being had to the pre-trial detention of the petitioner as well as absence of the name of the petitioner in the FIR, this Court admits the petitioner to bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- 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 that 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 of every month in between 10 A.M. to 12 Noon for three months from the date of actual release from the custody. The I.I.C. of jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

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

(*G. Satapathy*)
Judge

Kishore

