

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3687 of 2022

Balibhadra Gouda

..... Petitioner
Mr. Tukuna Mishra, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr. M.K. Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
17.05.2022

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 Borigumma P.S. Case No.196 of 2021, corresponding to G.R. Case No.340 of 2021, pending in the file of learned J.M.F.C., Borigumma, for commission of alleged offence under Section 302 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 the Petitioner is in custody since the date of his arrest, i.e. 30.11.2021. It is further submitted that police after completion of investigation has filed charge-sheet against the Petitioner. It

is submitted that the allegations leveled against the Petitioner is false and fabricated one and Petitioner is no way connected with the alleged offences. He also submits that deceased is a drunkard person and on the relevant day of occurrence, he quarreled with the Petitioner, which the Petitioner was trying to avoid and just pushed him but he fell down into a drain and got brain injury and subsequently he succumbed to the injury. He further submits that Petitioner and the Informant belong to one family and there is no dispute in the family. Due to a silly matter, the incident has happened. Moreover, Petitioner is a local resident of the area, therefore, there is no chance to avoid the process of trial. Accordingly, he urges for release of the Petitioner on bail on such terms and conditions as this Court deems fit and proper.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner on the ground that serious allegations have been made against the Petitioner in the present case. He, however, submits that if granted bail, stringent conditions may be imposed on the present Petitioner.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety for the like amount to the satisfaction of

the learned court in seisin over the matter subject to the following terms and conditions :

- i) He shall not indulge in similar nature of offence;
 - ii) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
 - iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
 - iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;
 - v) He shall appear before the concerned Police Station once in a fortnight, preferably on Sunday at 10 A.M. to 1 P.M., till conclusion of the trial;
7. Violation of any of the terms and conditions shall entail cancellation of bail.
8. With the aforesaid observation the BLAPL stands disposed of.
9. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge