

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.193 of 2021

Pema@Biswaranjan Jena

....

Appellant

Mr. Devasish Panda and

Mr. Arun Kumar Budhia, Advocates

-versus-

State of Orissa and another

....

Opposite Parties

Mr. P.C. Das, ASC for State

Mr. Laxman Pradhan, Advocate for Respondent No.2

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.02.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant, learned counsel for the State and learned counsel for Respondent No.2. Perused the Case Diary.
3. The present appeal has been preferred against the rejection order dated 31.03.2021, passed by the learned 1st Addl. Sessions Judge, Khurda in T.R. No.30 of 2020, arising out of Khurda Sadar P.S. Case No.104 of 2020, for commission of the offences under Sections 302/34 of I.P.C., read with Sections 25/37 of the Arms Act and Section 3/3(2)(v) of SVC/ST(PA) Act.
4. Learned counsel for the Appellant submitted that Appellant is an innocent person and he has been falsely implicated in the case due to previous enmity. It is submitted that the present Appellant has been arrested and languishing in jail custody since the date of his

arrest, i.e. 14.03.2021. The further submission was that charge-sheet has been filed and Petitioner has no criminal antecedents. Learned counsel for the Petitioner submitted that the co-accused person, namely, Gudu @ Sanjaya Behera has been released on bail by this Hon'ble Court in CRLA No.3 of 2021, vide order dated 01.10.2021. Accordingly, he prays that his case may be considered at par with the other co-accused person.

5. Considering the nature and gravity of offences alleged and the period of detention of the Appellant, this Court is inclined to release the Appellant on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent sureties for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Appellant shall not tamper with the prosecution evidence or show any threat or influence the witnesses in any manner whatsoever and cooperate in the trial of the case. The Appellant is further directed to appear before the local police on every Sunday between 10.00 A.M. to 1.00 P.M, till conclusion of the trial. The court in seisin of the matter is at liberty to impose any additional condition(s), if situation so warrants. Deviation of any of the above conditions shall entail cancellation of the bail of the Appellant.

6. With the above direction, the CRLA stands disposed of.

7. Issue urgent certified copy on proper application.

(A.K. Mohapatra)
Judge