

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4122 of 2022

Gangadhar Khillo

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

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Patnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

31.10.2022

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 Jodambo P.S. Case No.01 of 2022 corresponding to G.R. Case No.39 of 2022 pending in the Court of learned S.D.J.M., Malkangiri for commission of offence punishable U/Ss. 302/120-B/201/34 of the I.P.C. on the allegation of committing murder of the deceased along with co-accused persons and causing disappearance of evidence in furtherance of their common intention.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside jail custody since 16.01.2022 and in the meanwhile after completion of investigation charge sheet has already been submitted in this case and there is hardly any material on record to connect the petitioner with alleged commission of crime. It is further submitted that there is nothing on record to indicate about the petitioner joining with other co-accused persons in a conspiracy pursuant to which the deceased was killed and the deceased was murdered by some other persons for land dispute in which the petitioner is not at all involved. Learned counsel for the petitioner under aforesaid submissions prays to enlarge the petitioner on bail.

4. Learned counsel for the State by placing the statement of the informant submits that the petitioner had not only shared common intention but also actively participated in the crime assaulting the deceased by battering with stone and the petitioner thereby is not entitled to be released on bail.

5. Considering the rival submissions advanced on behalf of the parties and taking into consideration the averments in the F.I.R. indicating main allegation of assaulting the deceased by means of an axe being directed against another co-accused namely, Bhagaban Pangi and keeping in view the pre-trial detention of the petitioner since 16.01.2022 and the fact that the charge sheet has already been submitted in this case and no material is placed on record to indicate that the petitioner would abscond or tamper with evidence if released on bail and the fact that the object of bail is not punitive, rather to protect the personal liberty of the person accused of offence and taking into consideration the opinion of doctor in post mortem report about the cause of death of the deceased due to injury to chest cavity and cranium, 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.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 the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

7. Accordingly, the BLAPL stands disposed of.

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

