

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.386 of 2022

Bapi @ Sujit Kumar Singh

Appellant
Mr.A.R. Panda, Advocate

-versus-

State of Odisha and another

Respondents

Mr.M.K. Mohanty, ASC for State-Res.1
Mr.Maitrijit Mohanty, Advocate for Informant-Res.2

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
05.07.2022

Order No.

07. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant, learned counsel for the State as well as learned counsel for the Informant. Perused the materials available on record.
3. This appeal has been filed by the Appellant challenging the order dated 25.11.2021, passed by the learned Addl. District Judge-cum-Presiding Officer, Designated Court (OPID), Balasore in C.T. Case No.920 of 2021, corresponding to Special Case No.16 of 2022, arising out of Balasore Sadar P.S. Case No.354 of 2021, for commission of alleged offences under Sections 302/34 of I.P.C. r/w. Sections 25/27 of Arms Act, rejecting the bail application filed by the Appellant.
4. The brief facts of the case, as per the F.I.R. is that on 31.10.2021 at about 8 AM., the sone of the Informant along with his

friend went to the Rupsa Market. On the way near Kuruda Chhak, the accused persons were obstructed the son of the informant along with his friends and misbehaved with them by using filthy languages. It is further alleged that the accused persons were fired the son of the informant and also assaulted him mercilessly by deadly weapons, for which, the son of the Informant died sustained injuries. After getting the above information, the informant as well as his other family members were came to the occurrence place and shifted the victim to the hospital but he died at the spot. The informant in his FIR further narrated that near about 10-15 persons were killed his son due to previous enmity. Hence this FIR.

5. Learned counsel for the Appellant submits that Appellant is in jail custody since long. It is further submitted that police after completion of investigation has submitted charge-sheet in the matter. Leaned counsel for the Appellant submits that on the basis of confessional statements of the co-accused persons and other eye witnesses, the present Appellant has been impleaded in the case. It is submitted that one Papu Singh and Sanjay Sethy are the main assailants, who assaulted the deceased by means of gun as well as sword. The only allegation in his name is that he along with others were passed some comments as "Happy Murder Day". Since investigation has already been completed, there is no chance of absconding the trial of the case in the event of release on bail.

6. Learned counsel for the State on the other hand opposes the bail application of the Appellant on the ground that serious allegation has been made against the Appellant, therefore, no leniency should be shown to the Appellant. Further he urges for rejection of his bail application.

7. Considering the aforesaid facts and circumstances of the case, considering the period of detention of the Appellant and also the specific role played by the Appellant in the alleged crime, this Court sets aside the order dated 25.11.2021, passed by the learned Addl. District Judge-cum-Presiding Officer, Designated Court (OPID), Balasore in C.T. Case No.920 of 2021, corresponding to Special Case No.16 of 2022, arising out of Balasore Sadar P.S. Case No.354 of 2021. It is further directed that let the Appellant be released on bail subject to furnishing a 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 conditions:

- i) He shall appear before the trial court on each and every date as fixed by the court;
- (ii) He shall not tamper with the prosecution evidence;
- (iii) He shall not influence or threaten or terrorize any prosecution evidence and cooperate in the investigation;
- (iv) He shall not threat the Informant or try to reach out the Informant in any manner whatsoever;
- (vi) Violation of any of the above conditions, shall entail cancellation of the bail of the Appellant and the NBW (A) shall be issued against the Appellant;
- (vii) The court in seisin of the matter may impose any additional condition(s), if situation so warrants.

8. With the above direction, the CRLA is accordingly allowed.

9. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge