

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4348 of 2022

Nepal Majhi

....

Petitioner

Mr. Bijaya Kumar Behera-1, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.06.2022

Order No.

04

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioners for bail in connection with Dharambandha P.S. Case No. 31 of 2021 corresponding to C.T. Case No. 398 of 2021 pending in the Court of the learned District Judge, Nuapada for alleged commission of offence under Sections 147, 148, 307, 302 and 149 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner are languishing in custody since 16.07.2021 and the investigation of the case has been concluded and charge sheet has been filed. Referring to the statements of some of the eye witnesses, learned counsel for the Petitioner submits that so far as the present Petitioner is concerned, the allegation against him is that initially he had assaulted the deceased and thereafter the injured, Raju. It is

further found from the statements of the eye witnesses that after initial assault the deceased was taken by two persons in their bike, thereafter nobody has seen what happened. Later on it was found that the deceased was succumbed to the injuries. It is further submitted by the learned counsel for the Petitioner that many co-accused persons stand on same footing like the petitioner have been enlarged on bail by this Court.

5. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and referring to the statements of some of the eye witnesses that there are evidence that the Petitioner along with others had assaulted the deceased. Further he submits in the first round bail application filed by the Petitioner this Court was not inclined to grant bail, therefore, learned counsel for the Petitioner was forced to withdraw the earlier bail application. Thereafter the present application is filed. On such submissions, the bail application of the Petitioner should be rejected.

6. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the Petitioner and upon perusal of the statements of the witnesses and other relevant materials placed on record and further taking into consideration that some of the co-accused persons stand on similar footing have already enlarged on bail by this Court, this Court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local 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 himself in any similar nature of offence.

- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
 - iii) shall not tamper with the prosecution evidence.
 - iv) shall not influence or threaten any prosecution witnesses while on bail.
 - v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may impose any other condition(s) as deem fit and proper.
9. BLAPL is accordingly disposed of.
10. Issue urgent certified copy as per Rules.

RKS

