

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4439 of 2022

***Rambilas @ Dasarath Rout &
another***

Petitioners

M/s. J.Panda, Advocate

-versus-

State of Orissa

Opp. Party

M/s.S.R.Roul, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

01.12.2022

Order No.

- 05.
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 Petitioners for grant of bail in connection with Jaipatna P.S. Case No.452 of 2021 corresponding to C.T. Case No.435 of 2021 pending in the Court of learned J.M.F.C., Jaipatna for commission of offence punishable U/Ss. 147/148/302/149 of the I.P.C. on the allegation of committing murder of Susil Kumar Rout.
 3. In the course of hearing of the bail application, Mr.J.Panda, learned counsel for the petitioners submits that there is no material available on record to implicate the present petitioners for commission of offence U/S. 302 of I.P.C. but the petitioners have been detained in custody on suspicion of killing the deceased, but the suspicion howsoever strong is not a substitute for legal proof and, therefore, the petitioners are detained in custody without any legal evidence may kindly be released on bail.
 4. On the contrary, learned counsel for the State prays to reject the bail application of the petitioners.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioners and taking into consideration the surrounding circumstance including the pre-trial detention of the petitioners and the basis of implication of the petitioners in this case and regard being had to the object of bail to be not punitive and keeping in view the principle that bail is the rule and jail is the exception and taking further into consideration the circumstance on record in entirety and in absence of any direct evidence against the petitioners, this Court considers it proper to enlarge the petitioners on bail.

6. Hence, the prayer for bail of the petitioners is allowed and the Petitioners be released on bail on furnishing bail bonds of Rs.25,000/- each 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 petitioners shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioners shall attend the trial Court on each date of posting of the case unless their attendance is dispensed with.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioners without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

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

