

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4469 of 2022

Jena Munda

.... ***Petitioner***
Mr. S. Hota, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P.K. Pattnaik, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
30.11.2022

Order No.

- 04.
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 S.T. Case No.54 of 2020 corresponding to G.R. Case No.412 of 2020 arising out of Barbil P.S. Case No.117 of 2020 pending in the file of learned Addl. District Sessions Judge, Champua for commission of offences punishable under Section 302 of IPC, on the allegation of committing murder of the deceased.
 3. In the course of hearing of the bail application, Mr. S. Hota, learned counsel for the petitioner submits that there is absolutely no material available against the petitioner and trial having already commenced with examination of five witnesses who have never stated anything against the petitioner, there is no necessity to detain the petitioner further in custody. It is further submitted by him that

the so called eye witness-informant has become hostile and the petitioner is inside jail custody since 10.09.2020 and, therefore, the petitioner may kindly be enlarged on bail.

4. On the contrary, Mr. P.K. Pattnaik, learned Additional Government Advocate for the State, however, strongly opposes the bail application of the petitioner and, he, accordingly, prays to reject the bail application of the petitioner.

5. Considering the rival submissions made, nature and gravity of the accusations raised against the petitioner as also the other surrounding circumstance including the examination of five witnesses and regard being had to the pre trial detention of the petitioner and keeping in consideration the evidence tendered by these five witnesses, this Court considers it to be a fit case to grant bail to the petitioner.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bond of Rs.50,000/- (Fifty Thousand) with one solvent surety for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner 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. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

