

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4595 of 2022

Lumba Hembram

.... ***Petitioner***
M/s. A.Dash, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

24.11.2022

Order No.

- 03.
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 Jashipur P.S. Case No.10 of 2022 pending in the Court of learned J.M.F.C., Jashipur for commission of offence punishable U/S. 302 of the I.P.C. on the allegation of committing murder of the deceased.
 3. In the course of hearing of the bail application, Mr.A.Dash, learned counsel for the petitioner submits that F.I.R. has been registered against unknown persons and no iota of evidence is available against the petitioner. It is also submitted by him that neither the petitioner was last seen with the deceased nor is there any material to reasonably connect the petitioner with the commission of crime and the petitioner has been implicated in this case solely on his own confession which is inadmissible in the eye of law and there is no direct evidence available against the petitioner. On the aforesaid submissions, learned counsel for the petitioner prays to enlarge the petitioner on bail.
 4. On the contrary, Mr.M.Mishra, learned counsel for the State

while opposing the bail application of the petitioner vehemently, submits that there is enough material against the petitioner so as to deny him bail and accordingly, he prays not to grant bail to the petitioner.

5. Considering the rival submissions made, nature and gravity of accusations as also surrounding circumstance including the F.I.R. being registered against unknown persons and regard being had to the pre-trial detention of the petitioner since 15.02.2022 and keeping in view the other circumstance on record in entirety, this Court considers the bail application of the petitioner favourably.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bond of Rs.25,000/- with one solvent surety 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 that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Sunday of every month in between 10 A.M. to 12 Noon for three months from the date of his release from custody. The I.I.C. of jurisdictional Police Station shall not detain the petitioner unnecessarily beyond the time as stipulated after recording his attendance.

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

(G. Satapathy)
Judge

Kishore

