

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4655 of 2022

Sanatan Tigga

.... ***Petitioner***
Mr. S.K. Dash, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
29.11.2022

Order No.

- 02.
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.16/36 of 2021 corresponding to G.R. Case No.839 of 2020 arising out of Bisra P.S. Case No.140 of 2020 pending in the file of learned 2nd Addl. Sessions Judge, Rourkela for commission of offences punishable under Sections 302 of IPC, on the allegation of committing murder of the deceased.
 3. In the course of hearing of the bail application, Mr. S.K. Dash, learned counsel for the petitioner submits that the petitioner has been detained in custody since 27.10.2020, but there is absolutely no materials on record to implicate the petitioner for offence U/S.302 of IPC, rather at best a case U/S.304 Part-II of IPC would be attracted, if the allegations are taken to be true and, therefore, in the

circumstances, the petitioner may kindly be released on bail.

4. On the contrary, Mr. S.S. Pradhan, learned counsel for the State, however, strongly opposes the bail application of the petitioner by placing the statement of eye witness-Alok Tirkey and submits that the petitioner being the author of the crime should not be released on bail.

5. Considering the rival submissions made, nature and gravity of the accusations raised against the petitioner and the surrounding circumstance in which the offence was committed over a petty quarrel relating to watch film on mobile in front of the house of the deceased and regard being had to the pre trial detention of the petitioner and keeping in view the other circumstances in entirety, this Court considers the bail application of the petitioner leniently.

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

