

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5175 of 2022

Jagannath @ Jaga Sarangi

.... ***Petitioner***
Mr. M.R. Panda, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.R. Roul, ASC

CORAM:
JUSTICE G. SATAPATHY

ORDER
29.11.2022

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 petitioner for grant of bail in connection with G.R. Case No.3787 of 2021 arising out of CIDCB Odisha P.S. Case No.18 of 2021 pending in the file of learned Nyayadhikari Grama Nyayalaya, Puri for commission of offences punishable under Sections 120-B/302/201/34 of IPC, on the allegation of committing murder of the deceased.
3. In the course of hearing of the bail application, Mr. M.R. Panda, learned counsel for the petitioner submits that there is no material available against the petitioner to implicate him in a case U/S.302 of IPC and the petitioner has been detained in custody since 23.12.2021 only on the basis of his confession and leading to recovery of some articles which are not convincing in the circumstance and, thereby, the petitioner may kindly be enlarged on

bail.

4. On the contrary, Mr. S.R. Roul, learned counsel for the State, however, strongly opposes the bail application of the petitioner and submits that the petitioner being the prime accused and when the circumstances conclusively pointing to the guilt of the petitioner for offence U/S.302 of IPC, he shall not be enlarged on bail.

5. Considering the rival submissions made, nature and gravity of the accusations raised against the petitioner and keeping in view the other circumstance including the pre trial detention of the petitioner and the manner of commission of crime and nature of allegation raised against the petitioner and regard being had to the fact that the object of bail is not punitive, this Court considers the bail application of the petitioner favourably.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Twenty Five Thousand) with two solvent sureties each 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

