

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5527 of 2022

Manoj Parida

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

-versus-

State of Odisha

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

**CORAM:
JUSTICE G. SATAPATHY**

Order No.

**ORDER
14.11.2022**

- 06.
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.241 of 2019(PF-2) arising out of Khallikote P.S. Case No.106 of 2019 pending in the file of learned J.M.F.C., Khallikote for commission of offences punishable under Sections 302/34 of IPC, on the allegation of assaulting the deceased by means of kick and fist blows and throwing one stone to the scrotum of the deceased resulting in his death.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside custody since 18.05.2022 but trial is yet to be concluded and co-accused Kanha Behera @ Keuta in BLAPL No.655 of 2020 and Mama Pattnaik @ Puspa Pattnaik in BLAPL No.8717 of 2019 have already been granted bail. It is further submitted that even if the allegations are taken to be true, no case U/S.302 of IPC is made out against the

petitioner since it reveals from the materials on record that the petitioner and other co-accused persons were assaulting the deceased by means of kick and fist blows, one co-accused namely Pradip Parida threw a stone to the scrotum of the deceased and, therefore, the main allegation being directed against the said co-accused who is not the petitioner in this case, the present bail application of the petitioner may kindly be considered affirmatively. It is accordingly prayed by him to grant bail to the petitioner.

4. On contrary, learned counsel for the State, however, strongly opposes the bail application of the petitioner and, he, inter alia submits that merely because two co-accused persons have been granted bail, the petitioner cannot be admitted to bail in view of the fact that there is a strong prima facie case against the petitioner for commission of murder of the deceased.

5. Considering the rival submissions made for the respective parties, the nature of over tact attributed against the petitioner, surrounding circumstances under which the offences alleged to have been committed, the cause of death as mentioned in post mortem report of the deceased and the period of custody of the petitioner since 18.05.2022 and keeping in view the release of two co-accused persons on bail and regard being had to the other circumstances on record, this Court admits the petitioner on bail.

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.50,000/- 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.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

