

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5530 of 2021

Wika Bojhi @ Baja Wika & others ***Petitioners***
M/s.G.Mishra, Advocate

-versus-

State of Orissa ***Opp. Party***
M/s.P.Tripathy, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

19.09.2022

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 Petitioners for grant of bail in connection with Motu P.S. Case No.1 of 2021 corresponding to G.R.Case No.1 of 2021 pending in the Court of learned J.M.F.C., Motu for commission of offence punishable U/Ss. 302/34 of I.P.C. on the allegation of committing murder of the father of the informant along with co-accused persons in furtherance of their common intention.
 3. In the course of hearing of the bail application, learned counsel for the petitioners by placing the facts of the case submits that the deceased and the petitioners were having very good relationship and there is no direct material at all available on record to find out any prima facie case against the petitioners for commission of murder of the deceased. It is also submitted that the petitioners are languishing inside jail custody since one and half year and no fruitful purpose would be served by detaining the petitioners further in custody and the petitioners being innocent tribal people may kindly be released on bail.
 4. On contrary, learned counsel for the State, while opposing the bail application of the petitioners submits that the petitioners are the perpetrator of the crime and the wife of the deceased in her statement

recorded U/S 161 of Cr.P.C. and 164 of Cr.P.C. has vividly described about the role played by each of the petitioners to kill the deceased. Learned counsel for the State on above submissions, prays for to reject the bail application of the petitioners.

5. Considering the nature and gravity of offences and keeping in view the alleged role played by each of the petitioners and taking into consideration the nature and seriousness of the materials on record indicating allegations against the petitioners as well as the statement of the wife of the deceased U/S, 164 of Cr.P.C. indicating allegation against petitioner Wika Bojhi @ Baja Wika and further taking into consideration the number of injuries found on the person of the deceased as stated in the post-mortem report and the materials collected by the investigating agency in support of the charge and the enormity of punishment that would entail in conviction of offence, this Court does not feel it proper to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioners' stands rejected. The petitioners however, are at liberty to renew their prayer for bail after examination of the informant and wife of the deceased in the trial of the case.

6. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge