

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.6272 of 2021

<i>Suru @ Ghanashyam Gop</i>		<i>Petitioner</i>
		<i>Mr. Birendra Kumar Pardhi, Advocate</i>
		<i>Versus</i>
<i>State of Odisha</i>		<i>Opp. Party</i>
		<i>Mr. S.N. Nayak, A.S.C.</i>

CORAM:
JUSTICE SAVITRI RATHO
ORDER
18.05.2022

Order No.

06.

1. Heard Mr. Birendra Kumar Pardhi, learned counsel for the petitioner and Mr. S.N. Nayak, learned Addl. Standing Counsel for the State who are present in court.
2. This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioner- Suru @ Ghanashyam Gop in connection with Jashipur P.S. Case No.172 of 2020 corresponding to S.T. Case No. 14 of 2021 pending in the Court of learned Addl. Sessions Judge, Karanjia, Mayurbhanj for commission of offences punishable under Sections 294/452/324/326/307 of I.P.C.
3. This is the second journey of the petitioner to this court praying for bail. BLAPL No.234 of 2021 filed by him earlier had been rejected vide order dated 30.06.2021 but liberty had been granted to the petitioner to move for bail after commitment. It appears that the petitioner has moved the learned Additional Sessions Judge, Karanjia before commitment and his prayer for bail has been rejected by order dated 23.07.2021.
4. That when this application was listed earlier, learned counsel for the petitioner had been directed to obtain instructions if trial has started and the injured examined.

Learned counsel for the petitioner had earlier filed the certified copy of the order dated 13.09.2021 of the learned trial court framing charge against the petitioner. Today he files a memo alongwith Photostat copies of depositions of P.W.1 Manju Mahakud, P.W.2 Madha Ho, P.W.3 Kunja Singh, P.W.4 Braja Mohan Singh, P.W.5 Nagi Ho and P.W.6 Dr. Debendranath Parida. The same be kept in the record.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 17.12.2020 and the offences alleged against him cannot be attributed to him as the F.I.R. lodged by the informant is an afterthought and there is no material available against the petitioner to implicate him with the alleged offences. He further submits that five witnesses have been examined in the case but as the injured is working outside the State, he has not come to give his evidence for which the trial has been delayed. The next date in the case is in the month of June. He also submits the petitioner is a permanent resident of village: Tulasibani, in the district of Mayurbhanj and there is no chance of his absconding from the process of justice, if he is released on bail.

6. Mr. S.N. Nayak, learned Addl. Standing Counsel vehemently objects to the prayer for bail and submits that the injured has sustained three incised injuries on vital parts of his body and part of his index finger of the right hand has been amputated on account of assault by the petitioner, the witnesses examined so far have implicated the petitioner and the injured is yet to be examined and that release of the petitioner will prove to be an impediment for examination of the injured.

7. Considering the respective submissions of the counsels , I am inclined to release the petitioner on interim bail for a period of four weeks . If any application for bail is filed by the petitioner after his

surrender before the learned Court below , the learned trial Court shall do well to consider the same in accordance with law.

8. Let the petitioner Suru @ Ghanashyam Gop be released on interim bail for a period of four weeks on such terms and conditions as may be fixed by the learned Additional Sessions Judge, Karanjia in S.T. Case No.14 of 2021, including the following conditions:

- (i) He shall not indulge in any criminal activity while on bail.
- (ii) He shall report before the Jashipur Police Station once a week on every Tuesday between 4.00 pm to 6.00 pm after his release on interim bail.
- (iii) He shall surrender before the learned court below on or before 20.06.2022 positively.
- (iv) He shall not try to tamper with evidence or in any way influence or threaten prosecution witnesses.
- (v) He shall remain present in the trial Court on the dates it is posted for trial.

Violation of any condition will entail in cancellation of the bail.

9. The BL APL is accordingly disposed of .

A copy of this order be supplied to the learned Additional Standing Counsel for communication to the I.I.C., Jashipur Police Station .

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

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(Savitri Ratho)
Judge

Sukanta