IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.7946 of 2019

Alekh Prusty and another .... ***Petitioners***
Mr. K.K. Mishra, Advocate

-versus-

State of Orissa .... ***Opp. Party***
Mr. P.K. Pattnaik, A.G.A.

CORAM:
JUSTICE G. SATAPATHY

ORDER

Order No. **07.12.2022**

12. 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 Ghasipura P.S. Case No.51 of 2019 corresponding to G.R. Case No.92 of 2019 and after commitment re-numbered as S.T. Case No. 42 of 2019 of the Court of learned Additional Sessions Judge, Anandpur for commission of offences punishable U/Ss. 326 and 307/34 of the IPC and subsequently the case has turned to a case under section 302/34 of the IPC, on the allegation of committing murder of the deceased along with other co-accused persons in furtherance of their common intention.

3. In the course of hearing of the bail application, Mr. K.K. Mishra, learned counsel for the Petitioners by drawing attention of the Court to the contradictions appearing in the evidence of witnesses submits that the so called eye witnesses P.Ws. 47 and 48 are not the eye witnesses and they have falsely implicated the Petitioners due to political rivalry and family dispute. It is accordingly submitted that since the Petitioners and the deceased belong to one family having political rivalry, the entire family members of the Petitioners have been falsely implicated in this case. It is specifically submitted that P.W. 48 Debjani Behera had recorded/video graphed the dying declaration of the deceased in her mobile vide Ext. 34, wherein the names of the Petitioners do not find place to have assaulted of the deceased by sharp cutting weapons, and, thereby, the Petitioners are innocent persons. On the

aforesaid submissions, learned counsel for the Petitioners prays to grant bail to the Petitioners.

4. On the contrary, Mr. P.K. Pattnaik, learned A.G.A. for the State by drawing attention of the Court to the evidence of P.Ws. 47 and 48 as well as P.W.4 submits that the Petitioners are the prime principal accused persons and they have not only assaulted the deceased but also cut the palms and hands of the deceased and took away those palms and hands along with the weapon of offence and these two witnesses have vividly described the incident in their evidence and when the trial is at fag end, release of the Petitioners are not in the interest of justice. It is accordingly, prayed by learned counsel for the State to reject the bail application of the Petitioner.

5. Mr. S. Mohanty, learned counsel for the Informant also opposes the prayer for bail of the Petitioners by reiterating the submissions of the State.

6. After going through the allegations on record and the evidence of the witnesses recorded till today in support of such allegation and taking into consideration the other circumstances in entirety including the stage of trial, this Court considers it undesirable to grant bail to the Petitioners.

7. Hence, the bail application of the Petitioners stand rejected. It is stated at the bar that 52 out of 57 charge-sheet witnesses have already been examined in this case and the Petitioners are in custody since long and, therefore, the trial in this case may kindly be concluded by fixing a timeline. In view of the aforesaid fact and long detention of the Petitioners, the learned trial Court is requested to conclude the trial preferably within a period of six months hence, if there is no other legal impediment and if the trial is concluded within the aforesaid period, the Petitioners may renew their prayer for bail.

8. Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Priyajit