

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6533 of 2021

Bitu Tanty @ Sidhu

....

Petitioner

Mr. Partha Sarathi Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, ASC

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

06.07.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Bandamunda P.S. Case No.182 of 2020, corresponding to G.R. Case No.1005 of 2020, pending in the file of learned J.M.F.C., Rural, Rourkela, for commission of alleged offences under Section 302 of I.P.C.
3. Heard learned counsel for both the parties. Perused the Case Diary, FIR and statement of witnesses.
4. The case of the prosecution as per the FIR is that on 19.12.2020 at about 8 A.M., the informant got information about lying of a dead body on the road adjacent to the RS Colony. The informant went to the spot and found the dead body of his brother-in-law lying face down in a pool of blood. The deceased had left his home in a scooter at about 2 PM on the previous day and did not

return in the night. The informant suspects that the deceased has been killed by someone by means of a stone crushed on his head.

5. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 03.03.2021. It is submitted that police after completion of investigation has filed charge-sheet. It is further submitted that Petitioner is not named in the FIR. It is submitted that there is no eye witness to the occurrence. On 02.03.2021 police recorded the statement of one Vicky Saw and implicated the Petitioner in the alleged crime. The further submissions is that in the event of release on bail, Petitioner shall cooperate the trial of the case. Further, the co-accused persons, namely, Chittaranjan Sahu has been released on bail by this Court in BLAPL No.5848 of 2021 vide order dated 29.10.2021.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. Since Petitioner has been accused of serious offences, he should not be released on bail. However, he submits in the event of release, stringent conditions may be imposed on the Petitioner.

7. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner and the fact that the star witness Vicky Saw has been turned hostile and nothing substantial has been elaborated in the cross-examination, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local sureties for the like amount

to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- i) He shall not involve himself in any offence;
- (ii) He shall appear before the trial court on each and every date as fixed by the court;
- (iii) He shall appear before the I.O. once in a week preferably Sunday at 10 A.M. to 1.00 P.M. and report to the police;
- (iv) He shall not tamper with the prosecution evidence;
- (v) He shall not influence or threaten any prosecution witness and cooperate in the investigation;
- (vi) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;
- (vii) He shall not leave the jurisdiction of the court without special permission from the court; and
- (viii) Violation of any of the above conditions shall entail cancellation of the bail.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge