

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6848 of 2021

Umesh Guntha

.... ***Petitioner***
Mr. A. Mishra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
04.03.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the F.I.R., case diary, the statement of the witnesses and other relevant documents on record.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 4. The Petitioner is an accused in G.R. Case No.239 of 2021 arising out of Nandapur P.S. No.28 of 2021 pending in the court of learned S.D.J.M., Koraput for commission of offence punishable under Sections 302/201/34, I.P.C.
 5. The fact of the case is that the Petitioner and the informant are co-villagers, but on the relevant day due to quarrel between the parties in the Jatra, the other persons were present and the Petitioner had assaulted the deceased by means of thenga. Though there was no eye witness to the occurrence but, as per the confession made by the Petitioner, he has been implicated in the said case only basing upon

the confessional statement of the Petitioner for the commission of the alleged offences.

6. Learned counsel for the Petitioner submits that the Petitioner is in custody since 29.03.2021 and in the meantime, charge-sheet has already been submitted in the case. He further submits that the co-accused person has already been released on bail. Further, learned counsel for the Petitioner submits that the Petitioner belongs to the locality and there is no scope for absconding or fleeing away from the hands of the justice.

7. Mr. Nayak, learned Additional Standing Counsel for the State, on the other hand, opposes the prayer for bail of the Petitioner. Therefore, he prays for rejection of the bail application of the Petitioner. He also submits that in the event the Petitioner released on bail, he might influence the prosecution witnesses. Further he submits that in the event this Court is inclined to release the Petitioner on bail, some stringent terms and conditions may be imposed.

8. Having heard the learned counsels for the parties, considering the nature of allegation and the period of custodial detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions :-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. He shall not tamper with the prosecution evidence or try to threaten or influence the

witnesses in any manner whatsoever; and

III. He shall not make any default in attending the court during trial on each date.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

10. The Bail Application is accordingly disposed of.

11. Urgent certified copy of this order be granted on proper application.

Jagabandhu

