

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6946 of 2021

Digambar Majhi and two others ***Petitioners***

Mr. P.R. Singh, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.02.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
 3. The Petitioners are accused in G.R. Case No.271 of 2021 arising out of Joda P.S. Case No.80 of 2021 pending in the court of learned J.M.F.C., Barbil for commission of offence punishable under Sections 302/201/34, I.P.C.
 4. The prosecution case in brief is that on 17.05.2021 one Sugi Majhi lodged a written F.I.R. before the I.I.C. Joda Police Station to the effect that she along with her son, namely, Kande Majhi were living together in her house. Her daughter-in-law, namely, Sukumari Majhi has been residing in her parental at Azad Basti since last 7 years. Due to this reason, there was enmity between the two families. On 16.05.2021 at about 9.00 P.M. the brother-in-law of Kande Majhi

were abused him saying his name. When the son of the Petitioners (Kande Majhi) opposed the same, the Petitioners assaulted him by means of iron rod and Bhala as a result Kande Majhi i.e. son of the informant sustained bleeding injury and on fear the complainant take shelter in her house and on the next day morning she searched her son, but could not found so she suspected the above noted accused persons have killed her son and threw his dead body for concealment.

5. Learned counsel for the Petitioners submits that the Petitioners are in custody since 17.05.2021 and in the meantime, charge-sheet in the case has been submitted. He further submits that the group of the deceased abused, threatened the group of the Petitioners and then the group of the present Petitioners assaulted the deceased. He further submits that the Petitioner No.1-Digambar Majhi, who assaulted the deceased by means of iron rod as a result of which the deceased fell down on the ground and succumbed to the injury. So far as Petitioner Nos.2 and 3 are concerned, who are present at the spot and they had no role to play in the alleged crime.

6. In such view of the matter, learned counsel for the Petitioners submits that he does not want to press the bail application in respect of the Petitioner No.1-Digambar Majhi with liberty to move an application for bail before the learned court below at a later stage. Accordingly, the bail application of the Petitioner No.1-Digambar Majhi is disposed of as not pressed with liberty as prayed for.

7. Learned counsel for the State opposes the prayer for bail of the Petitioners relying upon the statement of the accused Petitioner No.1, who led the police for recovery of the weapon of offence and he further submits that the contention of the case is based on circumstantial evidences. Therefore, he opposes the prayer for bail of

the Petitioners.

8. So far as Petitioner No.2-Manhar Majhi and Petitioner No.3-Rama Majhi are concerned.

9. Considering the submissions and the materials placed before the Court, period of custodial detention of the Petitioner No.2-Manhar Majhi and Petitioner No.3-Rama Majhi, it is directed that let the Petitioner No.2-Manhar Majhi and Petitioner No.3-Rama Majhi be released on bail by furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) each with one local solvent surety each for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner No.2-Manhar Majhi and Petitioner No.3-Rama Majhi shall not be involved in any offence of similar nature, they shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever and shall not make any default in attending the court during trial on each date of posting. Violation of any of the terms and conditions shall entail cancellation of bail.

10. It is open for the court in seisin over the matter to impose any other conditions in addition to the aforesaid conditions as may be deemed just and proper.

11. The Bail Application is partly allowed.

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

Jagabandhu

(A.K. Mohapatra)
Judge