

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7840 of 2021

Tukuna Mahapatra @ Narasingh ***Petitioner***
Mr. D. Nayak, Sr. Advocate
-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
23.02.2022

Order No.

- 02.
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. This is an application under Section 439 of the Criminal Procedure Code.
 4. The Petitioner is an accused in G.R. Case No.219(B) of 2016 arising out of Banpur P.S. Case No.138 of 2016 corresponding to S.T. Case No.121 of 2018 pending in the court of learned 1st Additional Sessions Judge, Khurda Camp at Banpur for commission of offence punishable under Sections 147/148/120-B/341/294/506/326/302/323/149, I.P.C.
 5. The prosecution allegation, in a nutshell, is that on 15.06.2016 at about 10.00 P.M., the younger son of the informant, namely Tofan Sena (deceased) was standing near road side of Nachuni Bazar under the jurisdiction of said Police Station. The accused persons came

there and assaulted the son of the informant by means of sword and other deadly weapons subsequently the injured was taken to hospital and declared dead. It was submitted that there was a political rivalry and dispute between different groups of the village and there was a constant threat to the informant's family by the accused persons. The informant has given details that in that night, the accused, namely, Pramod Subudhi dealt a sword blow at the back side of the head of the deceased by causing bleeding injury and subsequently, accused Tukuna and Rama dealt with farsa blows on both the hands of the deceased and accused persons Bhabani, Santosh, Bibhu, Babu, Prakash, Samir, Ajaya, Pradumnya and Santosh combinedly assaulted by sword blows on both the legs causing severe bleeding injuries.

6. It is submitted by learned counsel for the Petitioner that the main accused, namely, Pramod Subudhi has already been released on bail by this Court passed in BLAPL No.4830 of 2019 by order dated 21.06.2019 and the Petitioner is in custody since 24.08.2021. He further submits that charge-sheet in the case has already been submitted and co-accused has already been released on bail.

7. Mr. Mohanty, learned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the Petitioner.

8. Having heard learned counsel for the parties, considering the nature of offence and 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 conditions that the Petitioner shall not be involved in any offence of similar nature, he 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 without fail. 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

(*A.K. Mohapatra*)
Judge

