

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7904 of 2021

Satrughna Mallik

.... ***Petitioner***
Mr. P.K. Rout, Advocate

-versus-

State of Odisha

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

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
24.02.2022

Order No.

02. 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 and statement of witnesses on record.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Salipur P.S. Case No.16 of 2021, corresponding to S.T. Case No.13 of 2021, pending in the file of learned Addl. District & Sessions Judge, Salipur, for commission of alleged offences under Sections 302/109 I.P.C.
4. Learned counsel for the Petitioner submits Petitioner has been languishing in jail custody since the date of his arrest, i.e. 27.01.2021. It is submitted that the investigation of the case has already been over and police has submitted charge-sheet in the meantime. Learned counsel for the Petitioner further submits that the

son of the present Petitioner is the principal accused. Due to assault of the principal accused, the deceased succumbed to the injuries. The only allegation against the Petitioner is that he took away the knife from the hands of the accused Jyoti Ranjan Mallik @ Pinku. Accordingly he prays for grant of bail to the Petitioner on such terms and conditions as fixed by this Court.

5. Learned counsel for the State vehemently opposes the bail of the Petitioner. Basing on the statement of the witnesses, he submits that the Petitioner was very much present at the relevant point of time. However the assault was made by the principal accused, namely, Jyoti Ranjan Mallik @ Pinku. Therefore, State Counsel prays that the Petitioner should not be released in bail and his bail application may be rejected. However, he submits that in the event release of the Petitioner, stringent conditions may be imposed.

6. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- (i) He shall appear before the trial court on each and every date as fixed by the court;
- (ii) He shall not tamper with the prosecution evidence;
- (iii) He shall not influence or threaten any prosecution evidence and cooperate with the investigation;
- (iv) Violation of any of the above conditions shall entail cancellation of the bail

7. However, this Court observes that the trial court is at liberty to impose any other conditions, if situation so arises.

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

U.K.Sahoo

