

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7924 of 2021

Golekha @ Golaka Rout

....

Petitioner

Mr. Jayadeba Behera, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

24.02.2022

Order No.

03. 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 Itamati P.S. Case No.44 of 2021, corresponding to G.R. Case No.176 of 2021, pending in the file of learned S.D.J.M., Nayagarh, for commission of alleged offences under Sections 341/323/354-B/302/34 of I.P.C.
3. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant. Perused the Case Diary as well as statement of witnesses.
4. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 29.03.2021. After completion of investigation, police has submitted charge-sheet. So far as present Petitioner is concerned, the only allegation that he had caught hold of the deceased and his son and wife they were assaulting fist blows, after sometime, the mother of the principal accused, i.e. Mantu Rout dealt a knife blow on the belly

of the deceased, as a result of which, he succumbed to the injuries. It is further submitted by learned counsel for the Petitioner that this Court has granted bail to the mother, co-accused in BLAPL No.4010 of 2021 on 09.09.2021. The further submission is that Petitioner had no intention to cause death of the accused.

5. Learned counsel for the Informant submits that the present Petitioner is equally responsible for murder of the deceased as he was holding the deceased and the principal accused stabbed knife blow on his belly. Therefore, he is equally responsible as that of the principal accused Mantu Rout (son).

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. Relying on the statement of the witness and the submission of learned counsel for the Informant, he submits that the principal accused Mantu Rout had given a fatal blow on the deceased. Such allegation has been confirmed in the Post-Mortem examination report of the deceased.

7. Having heard learned counsel for the parties, this Court finds that Santilata Rout passed a knife to the son Mantu Rout to give a knife blow on the deceased, so far the present Petitioner is concerned, he was holding the deceased and giving fist blow. As per the evidence on record, the death was not due to fist blows and only after the stabbing, the deceased succumbed to injuries.

8. Considering the nature and gravity of offences alleged and 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 Fifty thousand) with two solvent 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 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 in the investigation;
- (iv) Violation of any of the above conditions shall entail cancellation of the bail.

9. It is further directed that the court in seisin of the matter may impose any other conditions, if it so requires.

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

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

(A.K. Mohapatra)
Judge