

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8120 of 2021

Suta @ Sukuta Sikaka

....

Petitioner

Mr. Budhiram Das, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

09.03.2022

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. This is an application under Section 439 of the Criminal Procedure Code.
 4. The Petitioner is an accused in G.R. Case No.16 of 2021 arising out of Muniguda P.S. Case No.04 of 2021 pending in the court of learned J.M.F.C., Bisamcuttack for the commission of offences under Sections 302/201/34, I.P.C.
 5. The prosecution case, in brief, is that the informant, namely Sambru Sikka, lodged a written report before the Inspector-in-Charge, Muniguda, Rayagada alleging inter alia that on 14.01.2021 at about 12.30 one Suta Sikka and Mani Sikaka of village Kulerpeta came to his elder brother's house in a motor cycle and took his elder brought lodged Sikaka for dancing but till date his brother did not

return to their village, for which they suspected that Lagadi Sikka had been to his wife's house and they did not search for him. On 12.01.2021, one Chakara Garadia of Village-Bhaliapadar came to his village and asked him about his brother lodged Sikaka and told him that his brother Lagadi had taken money for doing his work. Thereafter, he and his brother searched their brother Lagadi Sikaka and found his dead body lying near Baghabanda and in severe bleeding condition and the weapon of offence i.e. an axe soaked with blood, was lying near the dead body and thereafter, Mani and Sikaka Suta have committed murder of his brother Lagadi Sikaka.

6. It is submitted by learned counsel for the Petitioner that the Petitioner is in custody since 16.01.2021 and in the meantime, investigation has been completed and charge-sheet has been submitted. So far as the present Petitioner is concerned, it is alleged that the Petitioner had helped the principal accused assailant to dispose of the dead body. He further submits that the present petitioner was not present at the spot Mani Sikaka the principal accused committed murder of the deceased. Since three persons were friends, the present petitioner helped the principal accused to dispose of the dead body of the deceased. In such view of the matter, learned counsel for the Petitioner prays for release of the Petitioner on bail and submits that there is no scope for absconding or fleeing away from the hands of justice.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner on the ground that although there are no eye witnesses to the alleged occurrence and the present petitioner helped the principal accused for disposing of the dead body. Therefore, the petitioner accomplice principal accused. However, on the basis of the statement of the witnesses, the petitioner was not present at the spot

when the principal accused committed the murder of the deceased. Hence, he prays for rejection of the bail application of the Petitioner.

8. Having heard learned counsel for the parties, considering the surrounding circumstances of the prosecution and further keeping in view the period of custodial detention of the Petitioner, I am inclined to release the Petitioner on bail.

9. Let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter subject to following the conditions:-

- I. 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.
- 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.

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

11. The Bail Application is accordingly disposed of.

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

