

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.8421 of 2021**

***Raja @ Gupteswar Banka*** ..... ***Petitioner***  
*Mr.Durllabha Ranjan Mishra, Advocate*

*-versus-*

***State of Odisha*** ..... ***Opposite Party***  
*Mr. M.K. Mohanty, ASC for State*

**CORAM:**  
**JUSTICE A.K.MOHAPATRA**

**ORDER**  
**10.03.2022**

**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 Subalaya P.S. Case No.68 of 2020, corresponding to G.R. Case No.302 of 2020 in S.T. Case No.21 of 2021, pending in the file of learned Sessions Judge, Sonapur, for commission of alleged offence under Section 302 I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 10.09.2020. It is submitted that police after completion of investigation has filed charge-sheet and the case has been

committed to the court of sessions. It is further submitted that the entire case of the prosecution based on circumstantial evidence as there is no eye witnesses to the occurrence. In such view of the matter, learned counsel for the Petitioner submits that as the evidence collected by the prosecution is not conclusive evidence, Petitioner may be granted bail as per the terms and conditions fixed by this Court as well as learned trial court.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is submitted that there are circumstantial evidence, which indicates towards involvement of the present Petitioner in the alleged crime. He further submitted that Present Petitioner and victim were last seen together in the area. Both circumstantial evidence as well as leading to discovery were the two evidences are going against the present Petitioner.

6. On perusal of the records, this Court finds in fact there was no eye witness to the occurrence. Further the evidence collected by the prosecution can be taken at the time of trial of the case.

7. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the materials available on record 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 Thirty 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 not involve himself in any similar nature of offence;
- (ii) He shall appear before the trial court on each and every date as fixed by the court;
- (iii) He shall appear before the I.O. on every Sunday at 10 A.M. to 1.00 P.M. and report to the police;
- (iv) He shall not tamper with the prosecution evidence;
- (v) He shall not influence or threaten any prosecution witness and cooperate in the investigation;
- (vi) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;
- (vii) He shall not leave the jurisdiction of the court without special permission from the court; and
- (viii) Violation of any of the above conditions shall entail cancellation of the bail.

8. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

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

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

**(A.K. Mohapatra)**  
**Judge**

U.K.Sahoo

