

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8473 of 2021

Bikram Mishra

....

Petitioner

Mr. Debaraj Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

16.03.2022

Order No.

02

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 Aska P.S. Case No.444 of 2020, corresponding to G.R. Case No.798 of 2020, pending in the file of learned Addl. Sessions Judge, Aska, Ganjam, for commission of alleged offences under Sections 302/34 of I.P.C.
3. Heard learned counsel for both the parties. Perused the Case Diary, FIR and statement of witnesses.
4. The case of the prosecution as per the FIR is that on 03.09.2020 one Basudeb Gouda has alleged that at about 9.3 P.M., while his brother Naga Gouda on his way to Koli Sahi, the present Petitioner along with three other persons attacked to his brother by means of Tangia and Kati due to some village dispute. As a result of which, he succumbed to the injuries. It was alleged that one Naga Gouda along with 26 other persons attacked the father of the

Petitioner, namely, Rabindra Mishra by means of deadly weapons. But he luckily escaped from the place and called the police for his help. Seeing the police, the accused persons fled away from the spot.

5. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 03.09.2020. It is submitted that police after completion of investigation has filed charge-sheet. It is further submitted that the other co-accused persons, namely, Jiban Gouda has been released on bail by this Hon'ble Court in BLAPL No.2591 of 2021 vide order dated 13.09.2021 and Sridhar Bisoyi in BLAPL No.1630 of 2021 vide order dated 24.08.2021 respectively. Accordingly, a prayer has been made that his application for bail may be considered at par with the other co-accused persons.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. Since Petitioner has been accused of serious offences, he should not be allowed to be released on bail. However, he submits in the event of release, stringent conditions may be imposed on the Petitioner.

7. Having regard to the facts and circumstances of the case, 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.50,000/- (Rupees Fifty thousand) with two local 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