

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8601 of 2021

Babu @ Ratnakar Jena* *Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. D.K. Pani,
Additional Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
11.02.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with S.T. Case No.22 of 2020 arising out of Ghasipura P.S. Case No.55 of 2020 pending in the Court of learned Additional Sessions Judge, Anandapur for offence punishable under section 302 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Anandapur, which was rejected on 01.09.2021.

Learned counsel for the petitioner submitted

that the petitioner is in judicial custody since 04.04.2020 and his earlier bail application in BLAPL No.3720 of 2020 was dismissed as per order dated 08.09.2020 and his successive bail application in BLAPL No.8028 of 2020 was withdrawn as per order dated 16.07.2021. It is further submitted that in the meantime, in the trial Court, eighteen witnesses have been examined and the eye witness Sudam Jena being examined as P.W.14 has stated that Ratnakar Jena (petitioner), Shyamsundar Jena and Ani Jena dealt 'tangia' blow to the head of the deceased Kanhu Charan Jena causing severe bleeding injury. It is further submitted that the deceased was shifted to the S.C.B. Medical College and Hospital, Cuttack and while undergoing treatment, he expired on 03.04.2020. He further submitted that since Shyamsundar Jena, who stands on the similar footing has already been released on bail by this Court in BLAPL No.3720 of 2020, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail and placed the evidence of the eye witness Sudam Jena (P.W.14) so also the evidence of the doctor (P.W.5), who has stated that he has noticed three stitches on the left frontal scalp and opined that the death was due to head injury and its complication and the age of the injury was within one to two weeks of the time of his post mortem

examination.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the progress of the trial so far, release of co-accused on bail and taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and he shall not try to tamper with the evidence.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge