

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8657 of 2021

Bulu @ Bala @ Krushna Jani and Petitioners
another

Mr. Mahes Das, Advocate

-versus-

State of Odisha Opposite Party

Mr. Manoj Kumar Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
30.03.2022

Order No.

04. 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 Belghar P.S. Case No.18 of 2016, corresponding to G.R. Case No.176 of 2016 (PF), pending in the file of learned J.M.F.C., Tumudibandha, for commission of alleged offences under Sections 302/120-B/201/506/34 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The prosecution case, in a nutshell, is that on 29.04.2016, one Sabitri Majhi lodged an FIR before Belghar P.s. falsely alleging therein that on 23.12.2015, there was a dispute and exchange of hot words between her husband namely

Bana Majhi and one Narendra Jani relating to the illicit relationship between the said Narendra and her mother-in-law and the said Narendra stabbed her husband by means of a knife. Thereafter on the next day, i.e. on 24.12.2015 evening the said Narendra along with her brother-on-law Dinesh Majhi and the present petitioners came to her house and called her husband to go with them to hospital but they took her husband to village Rajama, killed him there and buried his dead body in the jungle and threatened her to kill if she disclosed the matter before anybody. Basing on the said FIR, Belghar P.S. Case No.18 of 2016 has been registered against four persons including the Petitioners.

5. Learned counsel for the Petitioners submits that Petitioners are languishing in jail custody since the date of their arrest, i.e. 18.08.2021. Although the occurrence of the year 2016, the petitioners who were minor then, not arrested by the police. Now police lodged FIR against the Petitioners, they turned major. Further, the case was split up and the principal accused, namely, Narendra Jani was convicted and charge-sheeted under Section 302 IPC. He has also been enlarged on bail in appeal. It is further submitted by learned counsel for the Petitioners that the other co-accused persons have already been released on bail in the meantime. So far as the present Petitioners are concerned, the only allegation is that they removed the dead body of the deceased.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioners on the ground that materials available against the present Petitioners. It is submitted that if the accused persons are released on bail, they will create problem in the split up trial so far the present Petitioners are concerned.

7. Having heard the rival contentions of the parties and considering the entirety of the fact of the present case and the fact that Petitioners are juvenile at the time of crime and there is no allegation of assault, this Court is inclined to release the Petitioners on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) each with two local sureties each for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- i) They shall not involve themselves in any criminal activities;
- (ii) They shall appear before the trial court on each and every date as fixed by the court;
- (iii) They shall not tamper with the prosecution evidence;
- (iv) They shall not influence or threaten any prosecution witness and cooperate in the investigation;
- (v) They shall provide their present address and mobile numbers to the I.O. and if any changes therein shall also be intimated to the I.O.;
- (vi) They shall not leave the jurisdiction of the court without special permission from the court; and

(vii) 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 Petitioners 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 Petitioners have no criminal antecedents of similar nature.

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

