

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8781 of 2021

Jitendra Behera @ Jatin

.... ***Petitioner***
Mr. S.R. Rout, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K. Mohanty, A.S.C.

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

Order No.

**ORDER
27.04.2022**

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 Biswanathpur P.S. Case No.44 of 2020, corresponding to C.T. Case No.14 of 2021(Sessions) arising out of C.T. Case No.803 of 2020 pending in the file of learned S.D.J.M., Bhawanipatna, for commission of alleged offences under Sections 279/304-A, I.P.C.
4. Heard learned counsel for both the parties. Perused the Case Diary, FIR and statement of witnesses.
5. The case of the prosecution case, in short, is that one Balaram Naik, who works as Grama Rakhi in Biswanathpur Police Station has lodged the F.I.R. and reported that on 24.09.2020 at 8.00 A.M. while he was proceeding to the police station for daily routine duty at that time he found one unknown dead body lying on S.H.No.6 near Dhepaguda Reserve Jungle. Basing on his report, Biswanathpur P.S. Case No.44 of 2020 under Sections 279/304-A, I.P.C. has been

registered.

6. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 11.10.2020. It is submitted that police after completion of investigation has filed charge-sheet. It is further submitted that the petitioner has been falsely implicated in this case and his bail application may be considered.

7. Learned counsel for the State vehemently opposes 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.

9. Considering 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) The petitioner 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; and
- (iv) He shall not tamper with the prosecution evidence in any manner whatsoever.

Violation of any of the above conditions shall entail cancellation of the bail.

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

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

(A.K. Mohapatra)
Judge

Jagabandhu

