

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8841 of 2021

Subash Harijan and others

Petitioners
Mr. J.N.Panda, Advocate

-versus-

State of Orissa

Opposite Party
Mr. K.K. Nayak, A.S.C. for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
16.02.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioners and learned counsel for the State. Perused the F.I.R. and other relevant documents on record.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioners for bail in connection with Lanjigarh P.S. Case No.15 of 2019, corresponding to C.T. Case No.278 of 2019, pending in the file of learned S.D.J.M., Bhawanipatna, for commission of alleged offences under Sections 147/148/323/325/436/302/307/506/427/149 of I.P.C.
4. Learned counsel for the Petitioners submits Petitioners are languishing in jail custody since the date of their arrest, i.e. 06.01.2019. Learned counsel for the Petitioners submits that the allegations against the Petitioners are omnibus in nature and petitions had no role in killing the deceased. Moreover, the post-

mortem report also does not corroborate the statement of the witnesses and there is no material to implicate the present Petitioners in the heinous crime. The statement recorded under Section 161 Cr.P.C. does not support the case of the prosecution. The further submission is that the other co-accused persons, namely, Hari Harijan in BLAPL No.5356 of 2019, disposed of on 06.11.2019, Shyam Hial in BLAPL No.7411 of 2019, disposed of on 05.11.2019, Bhagaban Sahu in BLAPL No.6913 of 2019, disposed of on 24.09.2019 and Manoj Nag @ Harijan in BLAPL No.4825 of 2019, disposed of on 20.08.2019 have already been released on bail by this Hon'ble Court. Accordingly, learned counsel for the Petitioners claims parity with the other co-accused persons, who have been released on bail and for considering their bail application in the light of the co-accused persons.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioners. He, however, submits that if the Petitioners are released on bail, stringent conditions may be imposed on the accused Petitioners.

6. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged and the period of detention of the Petitioners, this Court is inclined to release the Petitioners on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioners shall not tamper with the prosecution evidence or show any threat or influence the witnesses in any manner whatsoever and cooperate in the trial of the case. Petitioners are also directed not to involve in any other similar nature of offences. The court in seisin of the matter may impose any

additional condition(s), if situation so warrants. Deviation of any of the above conditions shall entail cancellation of the bail.

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

8. Issue urgent certified copy on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

