

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8950 of 2021

Bulli @ Gopinath Pakal

....

Petitioner

Mr. Bharat Jalli, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

06.04.2022

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 Bamapada Industrial P.S. Case No.136 of 2021, corresponding to C.T. Case No.672 of 2021, pending in the file of learned S.D.J.M., Balasore for commission of alleged offences under Sections 302/2016/120-B/34 of I.P.C. r/w. Section 25/27 of Arms Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 02.09.2021. It is further submitted police after completion of investigation submitted charge-sheet against the Petitioner. As it appears from the record, the main accused Buli @ Gopinath

Pakal along with Muna @ Manas Kumar Pradhan and Bhanjaya Kumar Behera were involved in the crime and the main assailant Gopinath Pal committed brutal murder for evading police arrest and there was no knowledge regarding commission of murder of the deceased Ramesh Behera @ Nunu. It is submitted that there is no clinching legal evidence available against the Petitioner in the crime. The further submission is that he is a permanent resident of the district; hence there is no chance of absconding or avoiding the trial. Further Petitioner is ready and willing to abide by any terms and conditions as fixed by this Hon'ble Court in the event of release on bail

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner considering the gravity of offences alleged in the case. He submits that no leniency should be shown to the present Petitioner, who involved in such crime. Accordingly, he prays for rejection of his bail application.

6. 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 and the fact that allegation the present Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- (i) He shall appear before the trial court on each and every date as fixed by the court;

(ii) He shall appear before the I.O. on every Sunday at 10 A.M. to 1.00 P.M. and report to the police;

(iii) He shall not tamper with the prosecution evidence;

(iv) He shall not influence or threaten any prosecution witness and cooperate in the investigation;

(v) 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.;

(vi) He 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.

7. 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.

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

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge