

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.9285 OF 2021

Sachindra Majhi

....

Petitioner

Mr. Bhojaraj Seth, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.D.R. Parida, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

02.05.2022

Order No.

- 02.
1. This matter is taken up by through hybrid arrangement (virtual/physical) mode.
 2. This is the successive journey of the Petitioner, who is in custody in connection with Boden P.S. Case No.51 of 2016 corresponding to S.T. Case No.11/31 of 2018 pending on the file of learned Addl. District Judge, Nuapada running for the alleged commission of offence under section-147/148/121/121-A/122/124/364/302/149/120 of the IPC read with section-25/27 of the Arms Act, section-16/18/20 of the Unlawful Activities Prevention Act, 38/39 of the Unlawful Activities Amendment Order Act and section-17 of the Criminal Law Amendment Act, in filing this application under section 439, Cr.P.C., for reconsideration of the prayer for grant of bail to the Petitioner.
 3. Learned Counsel for the Petitioner submits that the Petitioner being arrested in the case has been in custody since 19.04.2016 and the materials collected against him to be projected in the trial by the prosecution are on the score that

this Petitioner had informed the moment of the deceased to other accused persons and had identified him. He further submits that it is not the prosecution case that the Petitioner has played any direct role in causing the death of the deceased. He submits that though the Petitioner is in custody since 19.04.2016, examination of the prosecution witness has not commenced. It is submitted that the Petitioner being granted with interim bail has enjoyed liberty and surrendered before the Court when it is also not stated that he had misused the liberty so granted during the period. In view of all these above, when at this stage, there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence; he urges for reconsideration of the prayer for grant of bail to the Petitioner on such terms and conditions as deemed just and proper.

4. Learned counsel for the State opposes the move. According to him, it is this Petitioner who by playing the role as the informer had passed on the information and he being to the accused persons the identifier had facilitated the commission of offence of murder of the deceased. In this connection, he has placed the seizure list and statement of the Petitioner said to have been given to the police while in custody in leading them to give recovery of incriminating articles.

5. Taking into account the submissions made and on going through the materials on record; further keeping in view the surrounding circumstances especially, the long period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on

bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. Petitioner will appear in person before the Court in seisin of the case on each date of posting of the case till conclusion of the trial;
2. will appear before the IIC, Boden P.S. on the 1st Monday of every month till conclusion of the trial;
3. will not threaten or terrorise the prosecution witnesses in any manner; and
4. will not leave the jurisdiction of the Court in seisin of the case.

Violation of any of the condition(s) shall entail cancellation of bail.

5. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D.Dash),
Judge.**

Narayan