

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9359 of 2021

Dhoba Naik and others ***Petitioners***
Mr. Santosh Kumar Mahanty, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
27.04.2022

Order No.

03. 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 Petitioners for bail in connection with Badagada P.S. Case No.82 of 2021, corresponding to G.R. Case No.150 of 2021, pending in the file of learned J.M.F.C., Sorada, for commission of alleged offences under Sections 302/34/120-B of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. During course of hearing, learned counsel for the Petitioners does not want to press this bail application in respect of Opposite Party No.1, namely, Dhoba Naik. Accordingly, this bail application is confined to Opposite Party Nos.2, 3 and 4 only.

5. The prosecution case, in brief, is that on 3.3.2021 at about 08 P.M., on the written report of the Informant alleging therein that Informant's father Dharama Naik had been to Sidhapur but till evening he did not return. At about 5 P.M., she got information from one Upendra Naik of her village that someone killed her father and her father's dead body was lying in the canal at the side of Kathhakhola Danda near village-Sidhapur. On getting that information, she went to village Kusunagadia and told her uncle regarding murder of her father by someone. Thereafter, she along with her uncle had been to spot and noticed that someone committed murder to her father by a stone. Hence this FIR.

6. Learned counsel for the Petitioner Nos.2 to 4 submits that Petitioners are languishing in jail custody since the date of their arrest, i.e. 09.04.2021. It is further submitted that police after investigation submitted charge-sheet against the Petitioners. It is submitted that the prosecution case is based on circumstantial evidence and no direct material is available against the Petitioners. Therefore, he urges that Petitioner Nos.2 to 4 may be allowed to release on bail.

7. Learned counsel for the State vehemently objects the prayer for bail of the Petitioners. He submits that a brutal murder has been committed by the accused persons, therefore, no leniency should be shown to the accused persons. It is also submitted that there is confessional statement against the Petitioners. Moreover, Petitioner No.1 has been identified in the

T.I. Parade. Accordingly, he prays that bail application of the Petitioner Nos.2 to 4 may be rejected.

8. Considering the submissions made as well as the surrounding circumstances and keeping in view the nature and gravity of offence, this Court is inclined to release the Petitioner Nos.2 to 4 on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) each with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin of the matter subject to the terms and conditions as deem fit and proper by the learned trial court.

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