

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9604 of 2021

Mania Behera @ Mahendra Behera Petitioner
Mr.Sambeet Pattanayak, Advocate

-versus-

State of Odisha Opposite Party
Mr. M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
04.05.2022

Order No.

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1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Pipili P.S.Case No.227 of 2021 corresponding to G.R.Case No.343-A of 2014 pending in the Court of the learned J.M.F.C., Pipili for alleged commission of offence under Sections 148,323,302/149 of the Indian Penal Code.
4. The prosecution case as revealed from the F.I.R. in short is that one Trilokya Panda lodged the F.I.R. alleging therein that his son Baburam Panda and his friends visited Puri on 16.06.2014 in an Indigo Car. On the way at about 2 a.m. they stopped at Maa Kali Hotel, Teisipur and while having their food there was an altercation of words with some people and they returned back. After half K.M. some persons attacked them and killed his son. The friends of his son

took the deceased to SCB Medical college and Hospital and at about 6 A.M. informed him for which he lodged the F.I.R.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 18.08.2021 and in the meantime investigation has been completed and final charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that trial has commenced and after completion of trial the co-accused persons have been acquitted in the present case. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is permanent inhabitant of Puri district, there is no chance of absconding or fleeing from the hands of justice. He further submits that in the event of release of the Petitioner, he will appear before the trial court on each date of posting of the case.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that since the offence alleged is heinous in nature, the prayer for bail of the Petitioner should be rejected.

7. Having heard learned counsel for the parties, considering the fact and circumstances of the case and the period of custodial detention of the Petitioner and particularly, co-accused persons have been acquitted in the present case, I am inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) he shall not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial and in the

event the Petitioner fails to appear before the trial court, it is open for the trial court to issue N.B.W. and take the Petitioner back to custody..

- iii) shall not tamper with the prosecution evidence.
 - iv) shall not influence or threaten any prosecution witnesses while on bail.
 - v) he shall appear before the concerned Police Station once in a week preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may impose any other condition(s) as deem fit and proper. The trial court is directed to expedite the trial and conclude the same within a period of four months.
9. BLAPL is accordingly disposed of.
10. Issue urgent certified copy as per Rules.

RKS

