

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9753 of 2021

Laxman Tarai *Petitioner*
Mr. G.P. Jena, Advocate

-versus-

State of Orissa *Opp. Party*
Mr. D. Nayak, A.G.A.

BLAPL No.9754 of 2021

Sankar Gouda *Petitioner*
Mr. G.P. Jena, Advocate

-versus-

State of Orissa *Opp. Party*
Mr. D. Nayak, A.G.A.

BLAPL No.9756 of 2021

Kasinath Mahakud *Petitioner*
Mr. G.P. Jena, Advocate

-versus-

State of Orissa *Opp. Party*
Mr. D. Nayak, A.G.A.

CORAM:
JUSTICE G. SATAPATHY

ORDER
14.09.2022

Order No.

**BLAPL No.9753 of 2021, BLAPL No.9754 &
BLAPL No.9756 of 2021**

05. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Since the bail applications of the petitioner Laxman Tarai in BLAPL No.9753 of 2021, the petitioner Sankar Gouda in BLAPL No.9754 of 2021 and the petitioner Kasinath Mahakud in BLAPL No.9756 arise out of one and same case, and the learned counsel for the petitioners as well as counsel for the State, being the same in all these bail applications, the same are taken up together and disposed of by this common order.

3. These are applications U/S. 439 of Cr.P.C. by the petitioners for grant of bail in connection with Bada Bazar P.S. Case No.122 of 2021 corresponding to G.R. Case No. 1001 of 2021 pending in the Court of learned S.D.J.M., Berhampur for commission of offences punishable under Sections 302/307/326/34 of I.P.C. read with Section 27 of the Arms Act on the allegation that on 15.06.2021 at about 10 P.M. in the night, one Tina Sethi had called Chandan Pradhan from his house and murdered him and attempted to commit murder of Muna Mohanty and Tofan Behera with active assistance of others and the investigation by police revealed the involvement of the present petitioners in accomplishing the crime in this case.

4. In the course of hearing these bail applications, learned counsel for the petitioners in all the three bail applications beautifully and empathetically submits that the petitioners are no way connected with the crime and they had not been named in the FIR, but the police over jealously implicated these petitioners in this case. It is also submitted on behalf of the petitioners that all the petitioners mid twenties and they are inside custody since 18.06.2021. Learned counsel for the petitioners by placing the statements of injured Muna Mohanty and Tofan Behera as well as informant Puja Pradhan, submits that none of the above witnesses have attributed any role to the petitioners for committing murder of the deceased and the petitioners being not armed with any weapon of offence and the

injured having sustained some simple injuries, no offence under Section 307 of IPC and Section 27 of Arms Act are attracted against the petitioners. On these submissions, learned counsel for the petitioners prays to enlarge the petitioners on bail.

5. On contrary, learned counsel for the State, however, vehemently opposes the bail application of the petitioners and submits that the petitioners were actively involved in assisting co-accused Tina Sethi to commit murder of the deceased. It is further submitted that the deceased having been killed for assault on him by means of knife and injured witnesses Tofan Behera and Muna Mohanty also having sustained injuries by the assault of the petitioners, it discloses a strong prima facie case against the petitioners for commission of murder of the deceased and attempt to murder of the injured.

6. Considering the nature and gravity of allegations levelled against the petitioners and taking into consideration the material allegations placed on record allegedly attributing the role played by each of the petitioners and keeping in view the alleged homicidal death of the deceased and the injuries allegedly sustained by Muna Mohanty and Tofan Behera and further taking into consideration the manner and circumstance of alleged commission of crime in this case, this Court does not feel it proper to release the petitioners on bail. Hence, the prayer for bail of each of the petitioners stands rejected.

7. At this point, learned counsel for the petitioners submits for expeditious disposal of the case. In view of such submission, the learned trial Court is requested to dispose of the case as expeditiously as possible.

8. Accordingly the prayer for bail of the petitioners Laxman Tarai in BLAPL No.9753 of 2021, petitioner Sankar Gouda in BLAPL

No.9754 of 2021 and petitioner Kasinath Mahakud in BLAPL No.9756 are hereby rejected and all these bail applications are accordingly disposed of.

9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

