

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9949 of 2021

Papu @ Soumya Ranjan Rout ***Petitioner***
M/s. A. Tripathy, Advocate

-versus-

State of Orissa ***Opp. Party***
M/s. D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

06.09.2022

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Puri Sadar P.S. Case No.197 of 2021 corresponding to G.R. Case No.1747 of 2021 pending in the Court of learned Nyayadhikari Gramya Nyayalaya, Puri for commission of offence punishable U/Ss. 302/201/34 of I.P.C.
3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the present petitioner has not been named in the F.I.R. and whatever allegation available in the F.I.R. is against the co-accused Subash Biswal and the petitioner has been detained in custody since 27.5.2021 and if the prosecution story is believed to be true, at best a case U/S. 304 would be attracted against the petitioner but not offence U/S. 302 of the I.P.C. since the petitioner has been alleged to have hit the head of the deceased by means of a concrete stone in a free fight. On these submissions learned counsel for the petitioner submits to release the petitioner on bail on any stringent condition.

4. On contrary, learned counsel for the State, while opposing the bail application of the petitioner by relying upon the case diary submits that the petitioner has been alleged to have assaulted on the head of the deceased by means of a concrete stone which is the instantaneous cause of death of the deceased and the petitioner thereby is not entitled to be released on bail.

5. Considering the nature and gravity of allegations raised against the petitioner and keeping in view the nature of injuries sustained by the deceased and taking into consideration the pre-trial detention of the petitioner as well as no criminal antecedent being reported against the petitioner and further charge sheet having already been submitted and there being no materials collected by the investigating agency to suggest that the petitioner would abscond or tamper with the evidence and regard being had to the nature of allegations levelled against the present petitioner and the corresponding injuries found in the post-mortem report and lastly taking into consideration the cherished object of personal liberty of an individual, this Court feels it proper to enlarge the petitioner on bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial of the case and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

7. Violation any of the conditions will entail cancellation of bail application of the petitioner.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of the order be granted on proper application.

