

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10097 of 2021

***Krushan Kirsani @ Kusta and
another***

.... ***Petitioners***

M/s. A Mishra, Advocate

-versus-

State of Orissa

.... ***Opp. Party***

M/s. D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

05.09.2022

Order No.

- 06.
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 Petitioners for grant of bail in connection with Baipariguda P.S. Case No.114 of 2021 corresponding to G.R. Case No.573 of 2021 pending in the Court of learned Sessions Judge, Koraput at Jeypore as C.T. Case No. 41 of 2021 for commission of offence punishable U/Ss. 302/34 of I.P.C.
 3. In the course of hearing of the bail application, learned counsel for the petitioners submits that the petitioners are innocent persons and even if the materials taken on the face of record are considered to be true, no case is made out against petitioner No.2 and the petitioners having detained in custody since last one year may kindly be enlarged on bail.
 4. On contrary, learned counsel for the State however vehemently contends and submits that the petitioners being prima facie involved in a case of murder of innocent person should not be enlarged on bail.
 5. Considering the nature and gravity of allegations and taking into

consideration the allegations against petitioner No.2 namely, Budu Gadaba and regard being had to the pre-trial detention of the petitioner No.2 and the charge sheet having been submitted in the meantime and the surrounding circumstance of the alleged crime as well as the nature of alleged involvement of petitioner No.2 Budu Gadaba and further the materials so collected against the petitioner No.1 and keeping in view the allegations levelled against the petitioner No.1 Krushan Kirsani @ Kusta vis-a-vis the brutal murder of the deceased and taking into consideration the injuries found on the body of the deceased as stated in the post mortem report and the role as alleged against the petitioner No.1 in the commission of murder, this Court while rejecting the prayer for bail of petitioner No.1- Krushan Kirsani @ Kusta, allows the prayer for bail of petitioner No.2- Budu Gadaba.

6. Hence, the bail application of petitioner No.1- Krushan Kirsani @ Kusta is rejected, but the prayer for bail of petitioner No.2-Budu Gadaba is allowed and the petitioner Budu Gadaba 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 No.2- Budu Gadaba shall not leave the jurisdiction of the learned trial Court without prior permission till completion of the trial of the case and the petitioner No.2- Budu Gadaba 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. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge