

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10244 of 2021

P.Raula @ P.Rahul & others

....

Petitioners

M/s. S.K.Mohanty, Advocate

-versus-

State of Orissa

....

Opp. Party

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

CORAM:

JUSTICE G. SATAPATHY

ORDER

06.09.2022

Order No.

- 01.
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 Chamakhandi P.S. Case No.120 of 2021 corresponding to G.R. Case No.523 of 2021 pending in the Court of learned S.D.J.M., Chatrapur for commission of offence punishable U/Ss. 147/148/302/307/323/325/294/506/427/149 of I.P.C.
 3. In the course of hearing of the bail application, learned counsel for the petitioners submits that the present petitioners are no way connected with the crime and trial has already commenced in this case and out of eight witnesses examined in this case including the informant and injured eye witness being examined as P.Ws. 1 and 3 have not supported the prosecution case and the petitioners having been detained in custody since 20.6.2021 and in the meantime seven co-accused persons having been granted bail in ABLPL No. 10135 of 2021, BLAPL No. 10669 of 2021 and BLAPL No. 11564 of 2021, the present petitioners may also be enlarged on bail at least on the principle of parity.
 4. On contrary, learned counsel for the State, while opposing the bail application of the petitioners submits that the present petitioners are not standing with similar footing with that of the co-accused persons released on bail and the present petitioners having involved in a case of brutal

murder should not be enlarged on bail.

5. Considering the submissions advanced on behalf of the parties and taking into consideration the release of seven co-accused persons on bail in ABLPL No. 10135 of 2021, BLAPL No. 10669 of 2021 and BLAPL No. 11564 of 2021 and keeping in mind the examination of eight witnesses, out of whom P.W.1 is the informant and P.W.3 is the injured eye witness, who have not supported the prosecution case and regard being had to the pre-trial detention of the petitioners for more than a year and taking into consideration about the investigating agency having failed to collect any materials to indicate about the petitioners tampering evidence or absconding, this Court feels it proper to enlarge the petitioners on bail.

6. Hence, the prayer for bail of the petitioners is allowed and the Petitioners 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 petitioners shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of trial in the case and the petitioners shall attend the trial Court on each date of posting of the case unless their 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