

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9421 of 2020

Raja @ Rajkumar Mahakud

....

Petitioner

Mr. Arun Kumar Budhia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Anupam Rath, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

04.01.2022

Order No.

- 06.
1. Heard Mr. A.K. Budhia, learned counsel for the Petitioner and Mr. A. Rath, learned Additional Standing Counsel.
 2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Raja @ Rajkumar Mahakud in connection with Champua P.S. Case No.97 of 2019 corresponding to G.R. Case No.211 of 2019 pending in the court of learned S.D.J.M., Champua for alleged commission of offence under Sections 364/365/302/120-B/34 of the Indian Penal Code and Section 25/27 of Arms Act.
 3. It is submitted on behalf of the Petitioner that he is inside custody since 21st August, 2019 and in the meantime two other co-accused persons, namely Binu Ram and Sanjib Kumar Sahu have been released on bail by this court in BLAPL Nos.10043 and 9982 of 2019. It is further submitted that accused Rana Satapathy had allegedly fired from the gun belonging to the present Petitioner. It is also submitted that till date trial has not commenced despite long period of detention of the Petitioner.

4. Mr. Rath, learned Additional Standing Counsel opposes the prayer for bail by submitting that this Petitioner has one criminal antecedent and he has taken active role in commission of murder of the deceased.

5. Having heard both parties and considering the circumstances of the case as well as the period of detention and release of other co-accused persons on bail, it is directed to release the present Petitioner on bail in the aforesaid case on such terms and conditions to be fixed by the learned court in seisin over the matter including the condition that, the Petitioner shall not be involved in any other case while on bail and shall appear before the I.I.C., Champua P.S. once in each week till conclusion of trial and shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the Court or tamper with the evidence.

6. The BLAPL is accordingly disposed of.

7. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge