

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10446 of 2021

***Krishna Chandra @ Krishna
Mohapatra***

....

Petitioner

Mr.B.S.Routray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.06.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Bargarh Town P.S. Case No.405 of 2020 corresponding to C.T.Case No.16/57 of 2021 pending in the Court of the learned Additional Sessions Judge, Bargarh for commission of an alleged offence under Sections 302,201/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 07.10.2020 and after completion of investigation submitted charge sheet. It is also submitted by the learned counsel for the Petitioner that there are no eye witnesses to the occurrence and there is also no clinching circumstantial evidence against the Petitioner. It is further submitted by the learned counsel for

the Petitioner that the co-accused namely Sachin Mishra has been released on bail by the order of this Court in BLAPL No.1595 of 2021.

It is further submitted by the learned counsel for the Petitioner that since the Petitioner is a permanent inhabitant of Bargarh district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and is ready and willing to abide by the terms and conditions that may be imposed by this Court.

5. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that the offence alleged are heinous in nature and the petitioner should not be released on bail by this Court.

6. Considering the aforesaid submissions and keeping in view the entire facts of the case and the period of custodial detention of the Petitioner and keeping in view the fact that co-accused Sachin Mishra has been released on bail in BLAPL No.1595 of 2021, this Court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount each to the satisfaction of the learned court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

7. The Bail Application is accordingly disposed of.

8. Issue urgent certified copy of this order as per Rules.

