

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10596 of 2021

Umashankar Majhi

....
Petitioner
Mr. Subrat Panda, Advocate

-Versus-

State of Odisha

....
Opp. Party
Mr. P.K. Muduli, AGA

CORAM:
JUSTICE R.K. PATTANAİK

ORDER
22.07.2022

Order No.

- 05.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. This is an application under Section 439 Cr.P.C. for grant of bail to the petitioner in connection with Junagarh P.S. Case No.15 of 2020 corresponding to C.T. Case No.14 of 2020 pending in the court of learned Additional Sessions Judge, Dharamgarh for the offences punishable under Sections 396/412/414/307/120-B IPC read with Sections 25/27 of the Arms Act on the grounds stated therein.
 3. Perused the F.I.R. and other connected documents.
 4. In fact, bail of the petitioner was rejected in BLAPL No.8908 of 2021 by order dated 23rd November, 2021. However, learned counsel for the petitioner submits that other accused persons have been granted bail in the year 2020 but the petitioner has remained in custody for more than two and half years and even though the allegation against the accused persons are similar

and all of them have been identified during the T.I. parade besides having criminal antecedents and therefore he should be enlarged on bail and also for the fact that he was granted interim bail for a period of one month, on expiry of which, he surrendered before the learned court below in due compliance of the direction of this Court.

5. Mr. Muduli, learned counsel for the State, on the other hand, submits that he is the main assailant and he is having five criminal antecedents and was identified in the T.I. parade along with other accused persons and therefore, should not be enlarged on bail. It is further submitted that there has been recovery of cash from the petitioner after the alleged occurrence and considering the fact that one of the victims succumbed to the injury, bail should not be granted to him.

6. No doubt, during the T.I. parade, all the accused persons have been identified. That apart, weapon of offence has been discovered during investigation. It is also stated that the petitioner and other accused persons having criminal antecedents.

7. It is apprised that the trial is currently in progress and around 5 to 6 witnesses have been examined from the side of the prosecution. It is apprised to the Court that the trial is unlikely to be completed in near future. The learned counsel for the petitioner has drawn the attention of the Court regarding release of other accused persons in BLAPL Nos.2338, 8606 and 2461 of 2020 in the year 2020 itself. No doubt, during the incident, an amount of Rs.6.00 lac was taken away by breaking open the dickey of a vehicle and the present accused said to have stabbed the victim, who later succumbed to the injury.

8. Having regard to the above facts, submissions of learned counsel for the petitioner and the fact that the petitioner is in custody since more than two and half years and other accused persons have been granted bail and the trial is not likely to be completed soon, the Court is of the considered view that he should be enlarged on bail.

9. Accordingly, it is directed that the petitioner to be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two solvent sureties for the like amount each to the satisfaction of the learned Court below in seisin over the matter with further conditions that he shall not involve himself in any such criminal activities, while on bail; shall attend on each and every date of posting of the case till the trial is completed; and shall not terrorize or influence the material witnesses including the informant, in any manner whatsoever and in the event, any of the above conditions is/are violated, it shall entail cancellation of his bail forthwith.

10. The BLAPL is accordingly disposed of.

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

(R.K. Pattanaik)
Judge