

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10770 of 2021

Linga @ V.Lingaraj Reddy Petitioner

Mr.Devashis Panda, Advocate

-versus-

State of Odisha Opp. Party

*Mr.Manoranjan Mishra,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
22.07.2022**

Order No.

02. The matter is taken up through Hybrid arrangement (video conferencing/ physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Chatrapur P.S. Case No.131 of 2017 corresponding to S.T. Case No.26 of 2018 pending in the Court of learned Addl. Sessions Judge, Chatrapur for alleged commission of offences under sections 147, 148, 324, 326, 307, 302, 212, 120-B, 149 of the Indian Penal Code and section 25 of the Arms Act.

The petitioner moved an application for bail before the Court of Addl. Sessions Judge, Chatrapur,

which was rejected on 18.11.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 29.12.2017 and he was granted interim bail for a period of three months in BLAPL No. 2106 of 2020 as per order dated 30.09.2020. It is further submitted that in the learned trial Court, twenty two charge sheet witnesses have already been examined and except P.W.1, who is the informant in the case, nobody has stated the name of the petitioner relating to his involvement in the crime. Drawing the attention of the Court to the evidence of P.W.1, it is argued that he has not named the petitioner as accused in the F.I.R., but in paragraph 3 of the deposition, he has named the petitioner along with other co-accused persons to have participated in the assault of the deceased. Learned counsel further submitted that out of them, the co-accused persons, namely, Chiku @ Ayusman Mohapatra, Manas @ Manash Ranjan Behera, Prem Kumar Naik, Sanjay Gouda, Susila Kinnar @ Susil Kumar Nayak and Prasanta Kumar Swain have already been released on bail as per the orders passed by this Court in BLAPL No. 3596 of 2021, BLAPL No.8586 of 2021, BLAPL No.7320 of 2021, BLAPL No.8480 of 2021, BLAPL No.924 of 2018 and BLAPL No.892 of 2018 respectively. He filed the bail order copy passed in BLAPL No. 3596 of 2021, which is taken on record.

Learned counsel further submitted that in view the period of detention in judicial custody and release of the similarly situated co-accused persons on bail, the bail application may be favourably reconsidered.

Learned counsel for the State after going through the evidence copy of the witnesses examined so far in the learned trial Court fairly submitted that the petitioner is similarly situated like that of the co-accused persons, who have been enlarged on bail.

Considering the submissions of the learned counsel for the respective parties, nature of evidence adduced by the prosecution during trial so far, the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the earlier order of interim bail and further taking into account the progress of trial so far, I am inclined to reconsider the prayer and direct release of the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper including the conditions that the petitioner shall appear before the learned trial Court on each date to which the case would be posted for trial and

shall not try to tamper with the evidence. Violation of any of the conditions shall entail cancellation of bail.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo

