

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**BLAPL No. 10773 of 2021**

*Adma Madi & Ors.*

....

*Petitioners*

*Mr. J.K. Panda, Adv.*

*-versus-*

*State of Odisha*

....

*Opp. Party*

*Mr. G.R. Mohapatra,  
Adv*

**CORAM:**  
**DR. JUSTICE S.K. PANIGRAHI**

**Order**  
**No.**

**ORDER**  
**01.11.2022**

03. 1.This matter is taken up through hybrid mode.
2. Heard, learned counsel for the petitioner and the learned counsel for the State.
3. The Petitioner are in custody in connection with Malkangiri PS Case No.180 of 2020 corresponding to G.R. Case No.398 of 2020 pending before the court of learned SDJM, Malkangiri, registered for the alleged commission of offences under Sections 295-A, 367, 506/34 of IPC later turned to Sections 302 and 201 of IPC, has filed this application under Section 439 of CrPC for their release on bail.

4. The prosecution case, in brief, is that on 04.06.2020 at about 11 PM, the Petitioners took the informant's cousin brother Samaru Madkami ('Deceased') to jungle for holding a meeting, however, he managed to escape and flee. It is alleged that the accused persons were holding weapons and threatened to kill him. On suspicion, the Informant lodged an FIR in the police station. Based upon his report, the police launched investigation and reported that the deceased has been killed inside the jungle and buried under a tamarind tree. Accordingly, the police recovered the dead body, arrested the accused persons and forwarded them to Court on 07.06.2020

5. Learned counsel for the Petitioner submits that the charge-sheet has already been submitted, however, the trial has not yet commenced. He submits that the Petitioners are innocent persons having no nexus with the alleged offences. Further, the allegations levelled against the petitioners are untrue, concocted and the present FIR has been lodged to harass the Petitioners. Hence, the Petitioners are in no way involved in the commission of the alleged offences and are entitled to bail. Furthermore, the Petitioners have been languishing in custody since 07.06.2020.

6. Learned counsel for the State vehemently opposed the bail prayer of the Petitioner on the grounds that there is clinching evidence against them.

7. Considering the nature and gravity of the accusation, character of evidence appearing against the Petitioners, the stringent punishment provided and that there are reasonable grounds for believing that the Petitioners are not guilty of the offence alleged or not likely to commit any such offence, which is not possible to record in this case, the prayer for bail is devoid of merit. Hence, the prayer for bail stands rejected.

8. Accordingly, the BLAPL is rejected.

9. However, the court in *seisin* over the matter is directed to conclude the trial within a period of six months, if there is no other impediment.

10. Needless to say that if the trial is not concluded within the time stipulated, the Petitioner is at liberty to move for bail again.

11. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)  
Judge

SD