

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11100 of 2021

Bholanath Guru

....

Petitioner

M/s. S.M.Mohapatra, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s.S.N.Das, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

05.09.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Boudh P.S. Case No.106 of 2020 corresponding to S.T. Case No.37 of 2020 pending in the Court of learned Sessions Judge, Boudh for commission of offence punishable U/Ss. 302/201/34 of I.P.C.
 3. It is submitted by learned counsel for the petitioner that co-accused Rama Chandra Pradhan against whom the main allegation of murdering the deceased is levelled, has already been enlarged on bail and the present petitioner having stood in similar footing is entitled to be released on bail by taking into consideration his long pre-trial detention.
 4. On contrary, learned counsel for the State, however, does not dispute about the release of co-accused Rama Chandra Pradhan on bail but he however vehemently contends that the petitioner being involved in a case of murder and prima facie case having made out against the petitioner, it would be improper to admit the petitioner to bail.
 5. Considering the nature and gravity of allegations and submissions advanced on behalf of the parties and keeping in view the release of co-accused Rama Chandra Pradhan on bail in BLAPL No. 7157 of 2020 by

this Court and the nature of accusations raised against the petitioner and regard being had to the pre-trial detention of the petitioner since 21.4.2020 and there being no direct eye-witness to the occurrence and taking into consideration about investigating agency not collecting any materials to suggest that the petitioner would abscond or tamper with the evidence, this Court admits the petitioner to bail at least on the principle of parity.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till completion of the trial and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

7. Accordingly, the BLAPE stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge