

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12403 of 2022

Sanjay Jena @ Mantu

Petitioner

Mr. L. Bhuyan, Advocate

-versus-

State of Orissa

Opposite Party

Mr. S.R. Roul, ASC

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
21.12.2022**

Order No.

01.

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 G.R. (GN) Case No.307 of 2022, further corresponding to S.T. Case No.60 of 2022 arising out of Ghasipura P.S. Case No.176 of 2022 pending in the file of learned Addl. Sessions Judge, Anandpur for commission of offences punishable under Sections 302/34 of IPC, on the allegation of committing murder of the deceased by smashing his head by means of a stone and giving blows with a stick.

3. In the course of hearing of the bail application, Mr. L. Bhuyan, learned counsel for the petitioner submits that all the allegations of assault are directed against the co-accused, but the petitioner having not committed any offence and merely because he was present at the spot, he cannot be implicated for offence U/S.302 of IPC. It is further submitted by him that the petitioner having

detained in custody since 04.07.2022 and after closure of investigation, charge-sheet has already been placed in this case and, therefore, the petitioner may kindly be granted bail.

4. On the contrary, Mr. S.R. Roul, learned ASC, however, strongly opposes the bail application of the petitioner and he inter alia submits that there is enough material against the petitioner for commission of offence U/S.302 of IPC and there is also strong circumstance appearing against the petitioner for sharing common intention with co-accused to eliminate the deceased and, therefore, the petitioner may not be granted bail.

5. Considering the rival submissions made, taking into consideration the nature and gravity of the accusations raised against the petitioner as also the gravity of offence and keeping in view the fact that FIR was registered against unknown person and the main implication of the petitioner is on the basis of recovery of stone and stick pursuant to the disclosure statement of the co-accused-Bisu @ Biswanath Jena and regard being had to the pre trial detention of the petitioner and completion of investigation, this Court admits the petitioner to bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and that the petitioner shall report attendance before the Jurisdictional Police Station once in a week preferably on Sunday in between 12 Noon to

1 PM. for six(6) months. The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

Subhasmita

