

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11283 of 2021

Midiami Ganga

.... ***Petitioner***
M/s. J.K.Panda, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Patnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

15.09.2022

Order No.

- 05.
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 M.V. 79 P.S. Case No.32 of 2008 corresponding to C.T. Case No.90 of 2021 arising out of G.R. Case No. 122(C) of 2008 pending in the Court of learned Sessions Judge-cum-Special Judge, Malkangiri for commission of offence punishable U/Ss. 147/148/120(B)/121/121-A/122/124-A/302/149 of I.P.C. read with Section 25/27 Arms Act and 17 CrLA Act.
 3. Learned counsel for the petitioner by annexing the copy of the judgment dated 26.09.2012 passed in C.T. Case No. 27 of 2012 submits that similar circumstanced co-accused persons had already been acquitted in the original case and the present petitioner is inside the jail custody since long. It is further submitted that the petitioner has neither being named in the F.I.R. nor any witness has stated against him for commission of any crime and the petitioner, therefore, may kindly be released on bail.
 4. On contrary, while opposing the bail application of the petitioner learned counsel for the State by placing the statement of witness Mukta Bandami submits that there was a Naxal meeting in the village in which the present petitioner was the leader of the Naxals and he was encouraging other people of his village to join the Naxal organization and the present

petitioner was also found to have involved in another case for committing murder of one police informer. It is further submitted that this brazen conduct of the petitioner does not entitle him for the discretion of bail.

5. Considering the submissions advanced on behalf of the parties and the fact that six co-accused persons had already been acquitted in the original case and taking into consideration the release of another co-accused namely, Salbam Sama on bail by an order of this Court dated 13.09.2021 passed in BLAPL No. 3060 of 2021 and absence of the name of the petitioner in the F.I.R. and keeping in view the nature, character and surrounding circumstance of this case and pre-trial detention of the petitioner, this Court considers it proper to enlarge the petitioner on bail.

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 local 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 conclusion of trial in the case 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 BLAPL stands disposed of.

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

(G. Satapathy)
Judge