

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12476 of 2022

Dhani @ Dhaneswar Pradhan ***Petitioner***

Mr. A. Tripathy., Advocate

-versus-

State of Odisha ***Opp. Party***

*Mr.P.K. Mohanty,
Addl. Standing Counsel*

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

**ORDER
22.12.2022**

Order No.

01.

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

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

This is an application under section 439 of Cr.P.C. in connection with G.R. Case No.217 of 2019 arising out of Khandapada P.S. Case No.150 of 2019 pending in the Court of learned J.M.F.C., Khandapada for offences punishable under sections 302/201/120-B/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Nayagarh which was rejected on 24.11.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 14.10.2022 and he has been charge sheeted under sections 302/201/120-B/34 of the Indian

Penal Code. He further submitted that the deceased Dhoba Pradhan was found missing since 01.08.2019 and his dead body was found in a well on 09.08.2019 and thereafter, F.I.R. was lodged by Susama Pradhan, the widow of the deceased before the Inspector in-charge of Khandapada police station and the case was registered under section 302/34 of the Indian Penal Code against eleven numbers of accused persons including the petitioner. He further submitted that there are no eye witnesses to the occurrence and the case is based on circumstantial evidence and similarly situated co-accused persons, namely, Rama @ Somanath Pradhan, Gouranga Pradhan and Siba Pradhan have been released on bail by this Court in BLAPL No. 9124, BLAPL No.9129 of 2019 and BLAPL No.8557 of 2020 respectively and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, produced the case diary and opposed the prayer for bail and placed the statement of one Basant Guru, who stated about the threat given by the petitioner to the deceased for withdrawal of the case.

When a query was made to the learned counsel for the State as to whether any case is pending against the petitioner, the learned counsel for the State submitted that the case diary does not reveal anything in that respect. Learned counsel for the State further placed the statement of one Babuli Nayak who stated about the conspiracy between the accused persons few days prior to the date of occurrence relating to the commission of murder of the deceased. He further submitted that in the extra judicial confession of one of the co-accused, the name of the petitioner also finds place. However, learned counsel for the State does not dispute the release of the aforesaid co-accused persons on bail.

Considering the submissions of the learned counsel for the respective parties, nature of accusation against the petitioner, absence of any direct evidence, nature of circumstantial evidence

appearing on record, release of the co-accused persons on bail and taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail. 8. 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.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



PKSahoo