

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11385 of 2021

Niranjan Mohanty @ Jaga

.... ***Petitioner***
Mr. M.R. Panda, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.N. Das, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER
05.09.2022

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 Baselisahi P.S. Case No.131 of 2021 corresponding to S.T. No. 17/46 of 2021 arising out of G.R. Case No.2350 of 2021, pending in the Court of 3rd Addl. Sessions Judge, Puri for commission of offences punishable under Sections 302/34 of I.P.C.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner has not been named in the FIR and no criminal antecedent is reported against the petitioner. It is also submitted that the petitioner has been falsely implicated in this case for previous enmity. Learned counsel for the petitioner by placing the statement of three witnesses namely, Chandramani Paikray, Sakuntala Purohit and Pramodini Purohit who have been projected as eye witnesses and relatives of the deceased, submits that

the petitioner is no way connected with the commission of murder of the deceased and no witness has whispered a single word against the petitioner and the petitioner being innocent, may kindly be enlarged on bail.

4. On contrary, learned counsel for the State by placing the statement of witness Pramodini Purohit recorded under Section 164 of Cr.P.C. submits that the petitioner being one of the assailants of the deceased, should not be enlarged on bail.

5. Considering the nature and gravity of the allegations levelled against the petitioner and keeping in mind about non finding the name of the petitioner in the FIR and taking into consideration the statement under Section 161 of Cr.P.C. of witnesses namely, Chandramani Paikray, Sakuntala Purohit and Pramodini Purohit who have been projected as eye witnesses to the occurrence, for not stating the name of petitioner and regard being had to the pre trial detention of the petitioner as well as the investigating agency having failed to collect any material to suggest about the petitioner tampering evidence or absconding and no criminal antecedent being reported against the petitioner, this Court considers the bail application of the petitioner leniently.

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/- 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 trial without fail unless his attendance is dispensed with by the learned trial Court and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

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

(G. Satapathy)
Judge

Subhasmita

