

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11445 of 2021

Alla Satyanarayan

....

Petitioner

Mr. B.R. Tripathy, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S.N. Das, A.S.C.

**CORAM:
JUSTICE G. SATAPATHY**

ORDER

26.08.2022

Order No.

- 02.
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 Binka P.S. Case No.123 of 2021 corresponding to S.T. Case No. 82 of 2021 pending in the Court of learned Sessions Judge, Sonapur for commission of offences punishable under Sections 302/307/294 of I.P.C. on the allegation of murdering one Kasi Biswanath and attempt to kill three other persons.
 3. In course of hearing of the bail application, learned counsel for the petitioner submits that there is absolutely no material on record to make out a case U/S. 302/307/294 of I.P.C. and at best it is a case U/S. 304-A of I.P.C. which is bailable in nature and the petitioner having detained in custody since 17.07.2021, may be released on bail on any conditions.
 4. Learned counsel for the State, vehemently opposes the bail application of the petitioner and he inter alia by placing the statement of eye witnesses submits that it is not a case of accident rather it is a

pre plan case of murder by running over using a tractor over the deceased and the petitioner having prima facie involved in case of murder, should not be enlarged on bail.

5. Considering the nature and gravity of accusations coupled with facts narrated above and regard being had to the pre trial detention of the petitioner as well as character, strength and evidence of supporting materials and keeping in view the pre trial detention of the petitioner since 17.07.2021 and no criminal antecedent having reported against the petitioner and the investigating agency having failed to collect any material to suggest that the petitioner would abscond and tamper evidence in case of enlargement on bail and the factum of resident of the petitioner within the jurisdiction of Binka P.S., this Court considers the bail application of the petitioner favourably. Hence, the prayer for the bail application stands allowed and the petitioner is directed 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 condition 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 shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

6. Accordingly, the BLAPL stands disposed of.

7. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge