

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12600 of 2022

Chaitanya Hembrum @ Munda ...

Petitioner

Mr. P.S. Das, Advocate

-versus-

State of Odisha

...

Opposite Party

Mr. S.R. Roul, ASC

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
22.12.2022**

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 S.T. Case No.25 of 2021 arising out of Ghatgaon P.S. Case No.162 of 2020 pending in the file of learned Sessions Judge, Keonjhar for commission of offences punishable under Sections 450/302/34 of IPC, on the allegation of committing murder of the deceased by trespassing into her house, along with co-accused persons in furtherance of their common intention.
3. In the course of hearing of the bail application, Mr. P.S. Das, learned counsel for the petitioner submits that all the allegations made against the petitioner are figment of imaginations of the prosecution and no reliable material is collected against the petitioner to implicate him in the case of murder of the deceased. It

is also submitted by him that all the allegations of committing murder of the deceased are directed against the co-accused persons, but the present petitioner has been implicated in this case solely on the basis of his extra judicial confession and the statement of co-accused persons, which is to the extent that after co-accused persons inflicted cut wounds to the deceased, the petitioner thereafter arrived at the spot alone and pressed the hands of the deceased and, therefore, the petitioner in the circumstances having already detained in custody for near about two years, may kindly be granted bail.

4. On the contrary, Mr. S.R. Roul, learned ASC by placing the statement of one Ramesh Birua submits that the petitioner has made an extra judicial confession for his role in this case and, accordingly, learned ASC prays to reject the bail application of the petitioner.

5. Learned counsel for the petitioner by way of reply submits that said Ramesh Birua has already been examined in the Court as a P.W.3, but he has not stated a single word against the petitioner.

6. Considering the rival submissions made and taking into considerations the nature and gravity of the accusations raised against the petitioner as well as the surrounding circumstance including the role played by the petitioner in this case and regard being had to the implication of the petitioner on the basis of confession of co-accused person and his extra judicial confession and keeping in view the pre trial detention of the petitioner since 25.12.2020, this Court considers the bail application of the petitioner leniently.

7. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety 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.

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.

8. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge

Subhasmita