

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12601 of 2022

Kulamani Palei

....

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 G.R. Case No.1589 of 2022 arising out of Harichandanpur P.S. Case No.174 of 2022 pending in the file of learned S.D.J.M., Keonjhar for commission of offences punishable under Sections 302/447/34 of IPC, on the allegation of committing murder of the deceased by setting her house on fire, 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 neither the petitioner is the assailant nor was he involved in this case by way of entering into conspiracy with co-accused persons and the only allegation levelled against the petitioner is that he took the co-

accused with him to leave in her house and, the petitioner on the aforesaid allegation having been languishing inside jail custody since 25.08.2022, may kindly be granted bail.

4. On the contrary, Mr. S.R. Roul, learned ASC while not disputing the facts of the case, submits that the petitioner was very much present at the spot and he has also shared the common intention with co-accused person to kill the deceased by burning her house and, accordingly, the deceased was murdered by the petitioner and others. It is accordingly prayed by him to reject the bail application of the petitioner.

5. Considering the rival submissions made, taking into consideration the nature and gravity of the accusations raised against the petitioner and regard being had to the alleged role played by the petitioner in this case and taking into account the other circumstance on record in entirety and keeping in view the nature of allegation raised against the petitioner to the extent that he took one of the co-accused along with him and there being no direct allegation against the petitioner for setting the house or the deceased on fire, this Court grant bail to the petitioner.

6. 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 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 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 and that the petitioner shall report attendance before the Jurisdictional Police Station once in a week preferably on Monday in between 12 Noon to 1 PM. for six(6) months. The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

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.

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

(G. Satapathy)
Judge

Subhasmita

