

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11493 of 2021

Pitabas Palei

.... ***Petitioner***
Mr. D. Das, Advocate

-versus-

State of Odisha

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

CORAM:
JUSTICE G. SATAPATHY

ORDER
26.08.2022

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 Raghunathpur P.S. Case No.142 of 2021 corresponding to G.R. Case No. 135 of 2021 pending in the Court of learned Gramanayadhikari, Raghunathpur for commission of offences punishable U/Ss. 302/34 of I.P.C.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the allegations against the petitioner are false and motivated one and at no point of time, the petitioner has severely assaulted the deceased and the informant, whereby, the deceased died at the spot while the informant sustained bodily injuries. It is also advanced that from the FIR and Section 164 Cr.P.C. statement of the informant it appears that the entire incident arose out of a trivial issue which can at best be termed as road-rage. He further submits that since two of the co-accused person have already been released on bail

vide order dated 26.04.2022 and 10.05.2022 in BLAPL No.10957 of 2021 and 2612 of 2022 respectively, the petitioner be enlarged on bail. It is also contended that this Court vide order dated 05.01.2022 in I.A. No.01 of 2022 has granted the petitioner on interim bail for a period of fifteen days and after expiry of the interim bail period, the petitioner has surrender before the learned trial Court.

4. Learned counsel for the State, vehemently opposes the bail application of the petitioner and submits that the petitioner should not be enlarged on bail and principles of parity does not apply to the petitioner.

5. Considering the nature and gravity of allegations coupled with fact of release of co-accused persons on bail and regard being had to the pre trial detention of the petitioner as well as character, strength and evidence of supporting materials and taking into consideration the rival submissions and keeping in view the cherished object of personal liberty and there being no materials collected to indicate about the petitioner absconding and tampering evidence vis-a-vis the surrounding circumstances of the alleged crime, this Court considers the bail application of the petitioner favourably by extending the principles of parity. 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.25,000/- 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. The BLAPL is accordingly disposed of.
7. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subha

