

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11644 of 2021

Boicha Chandan

.... ***Petitioner***
Mr. S. Dwibedi, Advocate

-versus-

State of Orissa

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

CORAM:
JUSTICE G. SATAPATHY

ORDER
06.09.2022

Order No.

- 03.
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 K.Nuagaon P.S. Case No.40 of 2017 corresponding to S.T. Case No. 78 of 2019 pending in the Court of learned Additional Sessions Judge, Balliguda for commission of offences punishable under Section 302 of I.P.C. read with Section 3(2)(v) of SC & ST(POA) Act.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and is languishing inside jail custody since 03.11.2017. It is further submitted that in the meantime 15(fifteen) witnesses have already been examined in this case but none has supported the prosecution case. It is further submitted that the proposed eye witnesses having examined as P.W.1 and 2 have turned hostile and they have not whispered a single word against the petitioner and the petitioner coming from a lower strata of the

society, may kindly be released on bail.

4. On contrary, learned counsel for the State opposes the bail application of the petitioner and submits that the weapon of offence i.e. wooden lathi has already been recovered pursuant to the disclosure statement of the petitioner and the petitioner thereby found to be involved in a case of murder and the petitioner, thus, is not entitled to be released on bail.

5. Considering the submissions advanced on behalf of the parties and taking into consideration the nature and gravity of accusations and the manner of commission of crime as well as the proposed eye witnesses being examined as P.W.1 and 2 having not supported the prosecution case and regard being had to the pre-trial detention of the petitioner since 03.11.2017 and keeping in view of the surrounding circumstances and supporting materials available on record, this Court feels it proper to admit the petitioner to bail.

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/- 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 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