IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.9087 OF 2024

Jabdu Chhatrapal .... ***Petitioner***

Represented By Adv.
-Mr. Dhirendra Nath Behera

-versus-

State of Odisha .... ***Opposite Parties,***

Represented By Adv.
-Mr. Pradipta Satapathy, ASC.

CORAM:
HON'BLE MR. JUSTICE A.C. BEHERA

ORDER

Order No. **06.12.2024**

03. 1. This matter is taken up through hybrid arrangement (Virtual/ Physical) mode.

2. This bail application Under Section 483 of the BNS, 2023 has arisen out of S.T. Case No.61/05 of 2024 coresponding to G.R. Case No. 2071 of 2023 in connection of Bareipali P.S. Case No. 172 of 2023.

3. The Petitioner is facing trial in the Court of the learned Additional Sessions Judge, Sambalpur in ST Case No.61/05 of 2024 having been charged under Section-302 read with 34 of the IPC on the allegation of commission of murder of Bholu @ Abdul Sajid being associated with co-accused persons i.e. Sukadev Suna, Sameer Tandi, Mahadeb Oram @ Golu @ Madhab Oram, Gudu Mahananda @ Ashish Mahananda and one CICL.

4. The Petitioner is in jail custody since 08.09.2023.

5. The learned Counsel for the Petitioner submitted for liberal consideration of his bail contending that, till yet, six numbers of witness have already been examined including three eyewitnesses as P.W.1 (Ganesh Suna), P.W.2 (Meena Gupta) and

P.W.6 (Bidod Kumbhar) during trial. They (P.Ws. 1, 2 and 6) having not supported the case of the prosecution case, but they have turned hostile, to which, the learned Additional Standing Counsel vehemently objected contending that, as the trial of the case is going on and the Petitioner is facing trial having been charged under Section-302/34 of the IPC and some other witnesses are yet to be examined, for which, he (Petitioner) should not be allowed to go on bail.

6. When the Petitioner is facing trial staying inside the jail since 08.09.2023 and when in the meantime more than one year two months have already been passed and when during trial, the so called eyewitnesses of the alleged incident i.e. P.W.1, P.W.2 and P.W.6 have not supported the case of the prosecution and when the chance of absconding of the Petitioner during the rest part of the trial of the case is remote, as the Petitioner is a local man having his house and homestead under the jurisdiction of Bareipali P.S. in the District of Sambalpur, then at this juncture, by taking the above factors into account, the bail application of the Petitioner is considered liberally in his favour.

Therefore, the bail application filed by the Petitioner is allowed with conditions.

He (Petitioner) is allowed to go on bail on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with conditions that:-

(i) he (Petitioner) shall not involve with similar nature of crime in future.

(ii) he (Petitioner) shall remain present personally on each date of adjournment of the case without fail till its conclusion of the trial of the case.

(iii) he (Petitioner) shall not terrorize, coerce, influence or threat any witnesses of the prosecution either directly or indirectly in any manner whatsoever till the conclusion of the trial of the case, but, in case of his failure to comply any of the aforesaid conditions, the learned Court in seisin over the matter is authorized to cancel his bail order outrightly without seeking any permission for the same from this Court.

7. Accordingly, the bail application of the Petitioner is disposed of finally

8. Grant certified copy of this order to the petitioner on proper application.

(A.C. Behera),
Judge.

Narayan

Signature Not Verified
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Signed by: NARAYAN HO
Reason: Authentication
Location: OHC
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