IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10614 OF 2024

Gopi Kishan Mallick @ Kisan .... ***Petitioner***

Represented By Adv.
-Mr. Anirudha Das.

-versus-

State of Odisha .... ***Opposite Party***

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

BLAPL NO.10891 OF 2024

Gourab @ Gouraba .... ***Petitioner***

Represented By Adv.
-Mr. Prahallad Sahu.

-versus-

State of Odisha .... ***Opposite Party***

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

BLAPL NO.10850 OF 2024

Dinesh Bisoi @ Ajaya .... ***Petitioner***

Represented By Adv.
-Mr. Sushanta Ku. Joshi.

-versus-

State of Odisha .... ***Opposite Party***

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

BLAPL NO.10981 OF 2024

Lipun @ Guru Sankar Amatya .... ***Petitioner***

Represented By Adv.

-Mr. Sushanta Ku. Joshi.

-versus-

State of Odisha .... ***Opposite Party***

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

BLAPL NO.10993 OF 2024

Budsura @ Tarani Amatya .... ***Petitioner***

Represented By Adv.
-Mr. Sushanta Ku. Joshi.

-versus-

State of Odisha .... ***Opposite Party***

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

CORAM:
HON'BLE MR. JUSTICE A.C. BEHERA
ORDER
16.12.2024

Order No.

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

2. Since these five bail applications have arisen out of one F.I.R. vide Tikabali P.S. Case No.107 of 2024, then all these five bail applications have been taken up together analogously for their final disposal through this common order.

3. I have already heard from the learned Counsels for the Petitioners one after another separately and the learned Additional Standing Counsel for the State.

4. These Petitioners along with their two co-accuseds, i.e., Tapan Bisoi and Manas Amat, have been charge-sheeted under Section-103(2)/109/191/192 of the BNS, 2023 on the allegation of

commission of murder of Basanta Dalabehera and attempting to commit murder of Pintu Kuanr and Laxmikanta Rana.

5. As per the case of the prosecution, on dated 04.07.2024 night at about 10.30 pm, these Petitioners along with Tapan Bisoi and Manas Amat went near the house of one Santosh Nayak and called him from his house and abused him in obscene languages and assaulted him and when after seeing the same, Basanta Dalabehera, Laxmikanta Rana, Pintu Kuanr and Tutu Bindhani came for the rescue of Santosh Nayak, then these Petitioners and their co-accuseds, Tapan Bisoi and Manas Amat assaulted them and by the result of such assault, Basanta Dalabehera fell down on the ground and when some time thereafter, Basanta Dalabehera rised up from the ground, then, Tapan Bisoi brought out a knife, to which he had concealed with him and stabbed through that knife on his belly and by the result of such stabbing, Basanta Dalabehera sustained injury and then, he (Basanta Dalabehera) was shifted to the hospital, but on its next day, he (Basanta Dalabehera) expired being succumbed to his injury.

Therefore, F.I.R. was lodged and case was registered, and investigation was started.

5. During investigation, the aforesaid two co-accuseds of the Petitioners i.e. Tapan Bisoi and Manas Amat were arrested first on 05.07.2024 and were forwarded to the Court and thereafter these Petitioners were arrested on 07.07.2024 and were forwarded to the Court after being booked with the aforesaid offences, and since then, they (Petitioners) are in custody.

6. The learned Counsels for the Petitioners submitted for liberal consideration of their bail contending that, Tapan Bisoi is the principal culprit of the alleged incident, because due to stabbing

made by him, Basanta Dalabehera has expired, but the death of the deceased Basanta Dalabehera is not the outcome of any of the assault of the Petitioners and that too, the Petitioners were not at all aware about the keeping of the weapon i.e. knife with their co-accused, Tapan Bisoi, to which, learned Additional Standing Counsel for the State objected contending that, when these Petitioners along with Tapan Bisoi and Manas Amat had moved to the spot by forming a group with their deliberate intention for assaulting the deceased and others, then, in these nature of allegations, they (Petitioners) should not be allowed to go on bail.

8. When, death of the deceased-Basanta Dala Behera is the outcome of stabbing of the co-accused of the petitioners, i.e., Tapan Bisoi and when as per the allegations of prosecution, Tapan Bisoi had kept the weapon i.e. knife secretly with him, and when as per prosecution story, the death of the deceased, Basanta Dalabehera is not the outcome of assault of these Petitioners and when during the staying of the Petitioners inside the jail, the investigation of the case has already been completed and when the presence of the Petitioners before the Investigating Officer for the purpose of any further investigation may not be required, due to submission of charge-sheet and when the presence of the Petitioners during trial is not unsecured, as they are the local people having their house and homestead under the jurisdiction of local Police Stations in the District of Kandhamal, and when any of the petitioners are not the principal culprits of the allegation of murder, but their co-accused-Tapan Bisoi is the principal culprit for the alleged murder of Basanta Dalabehera, then by taking the above factors into account, instead of rejecting the bail applications of the Petitioners, it is felt proper, to allow them (Petitioners) to go on

bail with stringent conditions, looking to the future safety and security of the Informant, injured, witnesses, their family members as well as the interest of the prosecution.

9. Hence, all the five bail applications filed by the Petitioners are allowed.

They (Petitioners) are 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) they (Petitioners) shall not involve with any crime in future.

(ii) they (Petitioners) shall appear personally before the Trial Court on each and every date of adjournment of the case during trial till its conclusion without fail.

(iii) they (Petitioners) shall not terrorize, coerce, influence or threat any witnesses of the prosecution including the informant, injureds, their family members either directly or indirectly in any manner whatsoever at any stage of the proceeding of the case till the conclusion of its trial.

(iv) they (Petitioners) shall appear before the IIC, Tikabali Police Station 2nd and last 'Sunday' during day time once till the end of March, 2025 intimating the IIC that, they have not violated any of the conditions, but in case of their failure to comply any of the aforesaid conditions, the learned Court in seisin over the matter is authorized to cancel their respective bail orders outrightly without seeking any permission for the same from this Court.

10. Accordingly, both the bail applications filed by the Petitioners are disposed of finally with a copy to the IIC, Tikabali

Police Station for his information and report before the trial Court in case of violation of any of the conditions by any of the Petitioners.

11. It is made clear here that, the observations made in this bail order can never be used by the Trial Court during trial either in favour of prosecution or in favour of defence, because, the observations made in this bail order are only for the purpose of bail.

12. Grant certified copy of this order to the Petitioners on their proper application.

(A.C. Behera),
Judge.

Narayan

Signature Not Verified
Digitally Signed
Signed by: JAGABANDHU BEHERA
Designation: Personal Assistant
Reason: Authentication
Location: OHC, CJUTTACK
Date: 16-Dec-2024 21:18:15