

(2021) 11 OHC CK 0022

In the Orissa High Court

Case No : Bail Application No. 7307 Of 2021

Alok Palei @ Alok Kumar Palei

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 05-11-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 147, 148, 149, 294, 302, 307, 323, 324, 326,
341, 354, 452, 506

Citation : (2021) 11 OHC CK 0022

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : P.K. Parida, Y.S.P. Babu

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.147/148/323/341/294/452/324/ 326/307/302/506/354/149, I.P.C.

2. Heard Mr. P.K. Parida, learned counsel for the Petitioner as well as Mr. Y.S.P. Babu, learned A.G.A. for the State-Opposite Party.

3. It is submitted by learned counsel for the Petitioner that the Petitioner is inside custody since 30th September, 2018 and in the meantime 11 witnesses including the eye-witnesses, the injured and the informant have been examined. But none of those witnesses have named the present Petitioner with regard to his part of assault specifically and the statements of the witnesses are general against him. It is further submitted that in the meantime one of the co-accused, namely, Prakash @ Pramod Kumr Senapati has been released on bail by another coordinate Bench of this Court in BLAPL No.4995 of 2020.

4. On the other hand, it is submitted by Mr. Y.S.P. Babu, learned A.G.A. that the

Petitioner having been named in the FIR was undoubtedly involved in the alleged assault on the deceased.

5. Having heard both the parties and upon perusal of the evidences of P.Ws.1, 2, 4, 11 and other witnesses, it is directed to release the Petitioner on bail in connection with Puri Sadar P.S. Case No.209/2018 corresponding to S.T. Case No.08/74 of 2019 on such terms and conditions to be fixed by the learned 3rd

Additional Sessions Judge, Puri as he deems just and proper including the condition that the Petitioner shall attend the trial court on each date fixed.

6. The BLAPL is accordingly disposed of.

7. An urgent certified copy of this order be issued as per rules.

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