

(2023) 06 OHC CK 0100

In the Orissa High Court

Case No : Bail Application No. 580 Of 2023

Amar @ Amarnath Majhi @ Amara Nath Majhi

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 26-06-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 302

Citation : (2023) 06 OHC CK 0100

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : R.K.Mahapatra, S.R.Roul

Final Decision : Disposed Of

Judgement

G. Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is a bail application U/S.439 of Cr.P.C. by the petitioner for grant of bail in connection with C.T.(s) Case No.345 of 2022 arising out of Chhendipada P.S. Case No.246 of 2022 pending in the file of learned Additional Sessions Judge, Angul for commission of offences punishable under Section 302 of the IPC, on the allegation of committing murder of the deceased Manas Ranjan Sahu on suspicion of having illicit relationship with his sister-in-law.
3. In the course of hearing of the bail application, Mr. R.K.Mahapatra, learned counsel appearing for the petitioner very emphatically submits that the deceased was found in a hall along with petitioner and ten other persons, but none of the persons present along with the deceased and the petitioner had ever whispered the name of the petitioner for committing the murder of the deceased, although all of them were stated to have slept in a hall of Mahila Samiti House, Pipalbahal Jatra Padia. He further submits that the present petitioner has been implicated in this case primarily on the basis of suspicion because the deceased was having

some kind of illicit relationship with the sister-in-law of the petitioner, but law is very clear that suspicion has no leg to stand and suspicion, however, strong cannot take the place of proof. It is further submitted that the petitioner having being detained in custody since 07.07.2022 and in the meanwhile, charge sheet has already been submitted and, therefore, there would not be any impediment to grant bail to the present petitioner.

4. On the other hand, Mr. S.R.Roul, learned ASC, however, does not dispute about the manner of implication of the present petitioner, but he, however, strongly opposes the bail application of the present petitioner.

5. After having considered the rival submissions made on behalf of the parties and taking into consideration the nature and gravity of accusations raised against the petitioner and keeping in view the manner and circumstance of implication of the present petitioner in this case and regard being had to the pretrial detention of the petitioner since 07.07.2022 with submission of charge sheet and there being no direct eye witness to the occurrence, this Court admits the petitioner to bail.

6. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds 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 of the case on such terms and conditions as deem fit and proper by it with following conditions:-

(i) the petitioner shall not commit any offence while on bail,

(ii) the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with,

(iii) the petitioner shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and

(iv) the petitioner shall report attendance before the Jurisdictional Police Station once in a week preferably on Sunday of every month in between 10 A.M. to 12 Noon for six(06) months from the actual date of release from the custody.

The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioner in future for similar offences on prima facie accusations may be treated as a ground for cancellation of bail in this case.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

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