

(2024) 06 OHC CK 0145

In the Orissa High Court

Case No : Bail Application No. 728 Of 2023

Chhabi @ Chhabila Sahu And Another

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 28-06-2024

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 147, 148, 149, 302, 341

Citation : (2024) 06 OHC CK 0145

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : A.K.Pandey

Final Decision : Disposed Of

Judgement

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.
2. Learned counsel for the petitioners submits that bail application in respect of Petitioner No.1 (Chhabi @ Chhabila Sahu) be dismissed as not pressed. The bail application of Petitioner No.2 (Sangram @ Mantu Sahu) is taken up for hearing.
3. Heard learned counsel for the Petitioner No.2 and learned Addl. Standing Counsel for the State.
4. The Petitioner No.2 is in custody since 19.9.2021 in connection with Angul Sadar P.S. Case No.568/2021 corresponding to G.R. Case No.1296/2021 pending in the Court of learned Addl. Sessions Judge, Angul, for the alleged commission of the offence under Sections 302/147/148/341/120-B/149.
5. The prosecution case is that one Tarani Sahoo and the Petitioner No.1 came to the house of the deceased Jagannath Senapati and called him to participate in a feast. They took him in a bike followed by one Binaya Das. When they did not return, his family members and relations went to search him and found that he was being severely assaulted by all the accused persons near Derajang Dam.

Because of such assault, the deceased sustained grievous injuries to which he ultimately succumbed.

6. Mr. A.K.Pandey, learned counsel for the Petitioner No.2 produces the copies of the deposition of the witnesses of whom, P.W.8 (Bijaya Kumar Sahu) is the eye witness. Perusal of the deposition of Bijaya Kumar Sahoo (P.W.8) reveals that he has generally deposed about all the accused persons assaulting the deceased. However, in cross-examination the said witness has specified as to which accused had assaulted the deceased by using which weapon. Significantly, the name of Petitioner No.2 (Sangram @ Mantu Sahu) does not find place in his statement. In other words, no such overt act has been attributed to Petitioner No.2.

7. In such view of the matter, I am inclined to take a lenient view particularly considering the period of detention in custody. Let the Petitioner No.2 (Sangram @ Mantu Sahu) be released on bail on such terms and conditions as may be imposed by the Court in seisin over the matter in the aforesaid case including the condition that he shall personally appear before the trial court on each date of posting of the case, failing which it shall be open to the said court to pass necessary orders to take him to custody again by issuing N.B.W.

8. The BLAPL is disposed of.

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