

(2024) 07 OHC CK 0093

In the Orissa High Court

Case No : Bail Application No. 3820 Of 2024

Haribandhu Harijan @ Suri @ Suri Harijan

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 26-07-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 147, 148, 149, 302, 307, 326

Citation : (2024) 07 OHC CK 0093

Hon'ble Judges : S.K. Sahoo, J

Bench : Single Bench

Advocate : B.P. Nanda, P.B. Tripathy

Final Decision : Disposed Of

Judgement

S.K. Sahoo, J

Both matters are taken up through Hybrid arrangement (video conferencing/ physical mode).

Since both the applications arise out of one case, with the consent of the learned counsel for both the parties, those are heard analogously and disposed of by this common order.

Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners has filed the comprehensive affidavit relating to the status of cases against the petitioners in Court today, which are taken on record.

Both the applications are under section 439 of Cr.P.C. in connection with G.R. Case No.383(B) of 2019 arising out of Boipariguda P.S. Case No.54 of 2019 pending in the Court of learned S.D.J.M., Jeypore for the offences punishable under sections 147/148/326/307/302/149 of the I.P.C.

The prayer for bail of the petitioner Haribandhu Harijan @ Suri @ Suri Harijan (in BLAPL No.3820 of 2024) was rejected vide order dated 28.03.2024 and the prayer for bail of the petitioner Bhaskar Sagaria (in BLAPL No.4012 of 2024) was rejected vide order dated 06.04.2024 by the learned Addl. Sessions Judge -cum- Special Judge (Vigilance), Jeypore.

Learned counsel for the petitioners submitted that the petitioner Haribandhu Harijan @ Suri @ Suri Harijan is in judicial custody since 04.03.2024 and the petitioner Bhaskar Sagaria is in judicial custody since 14.03.2024 and both of them have been charge sheeted for the offences under sections 147/148/326/307/302/149 of the I.P.C. Learned counsel further submitted that the name of the petitioner Bhaskar Sagaria is not there in the F.I.R. and the allegation against the petitioners are omnibus in nature so far as assault on the deceased Gupta Pujari is concerned. Learned counsel further submitted that one of the co-accused Ganapati Gouda has been directed to be released on bail by this Court in BLAPL No.4697 of 2019 vide order dated 11.09.2019 and therefore, the bail application of the petitioners may be favourably considered.

Learned counsel for the State submitted that the petitioners were absconders and the case is of the year 2019 and they could be apprehended only in 2024. Learned counsel placed the statement of eye witness Adam Mandi so also the post mortem report.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, the nature of overt act attributed against the petitioners, the period of detention of the petitioners in judicial custody and release of the co-accused person on bail, I am inclined to release the petitioners on bail.

Let the petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with such terms and conditions as the learned Court may deem just and proper including the conditions that the petitioners shall appear before the Inspector in-charge of Boipariguda police station once in a week on every Sunday in between 10.00 a.m. to 4.00 p.m. for a period of three months, shall not indulge in any criminal activities, shall appear before the learned trial Court when the case would be posted for trial and shall not try to tamper with the prosecution witnesses.

Violation of any of the conditions shall entail cancellation of bail.

Both the BLAPLs are accordingly disposed of.

Issue urgent certified copy as per Rules.

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