

**(2023) 06 OHC CK 0157**

**In the Orissa High Court**

**Case No : Bail Application No. 711 Of 2023**

Lulu @ Himanshu Bhusan Pradhan

APPELLANT

Vs

State Of Odisha

RESPONDENT

**Date of Decision : 30-06-2023**

**Acts Referred:**

Code of Criminal Procedure, 1973 — Section 439  
Indian Penal Code, 1860 — Section 34, 120B, 302, 506

**Citation : (2023) 06 OHC CK 0157**

**Hon'ble Judges : G. Satapathy, J**

**Bench : Single Bench**

**Advocate : S. Dwibedi, 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 an application U/S.439 of Cr.P.C. by the petitioner for grant of bail in connection with C.T. Case No.619 of 2022 arising out of Kundheigola P.S. Case No.272 of 2022 pending in the file of learned J.M.F.C., Reamal, for commission of offences punishable under Sections 120-B/302/506/34 of IPC, on the allegation of committing murder of one Api @ Upendra Bagh suspecting him to have illicit relationship with wife of one co-accused in furtherance of their common intention.
3. In the course of hearing of the bail application, Mr. S. Dwibedi, learned counsel for the petitioner submits that although there is allegation against the petitioner for assaulting the deceased in the morning hour, but he has absolutely no role in commission of murder of the deceased, rather the petitioner has been falsely implicated in this case and the main allegation of killing the deceased is directed against the co-accused Nalu @ Akhay Kumar Pradhan and his father Lalita Pradhan. It is further submitted by him that the present petitioner has been detained in custody since 02.08.2022 and there is no direct evidence against the

present petitioner and the present petitioner having detained unnecessarily in custody, may kindly be granted bail.

4. On the contrary, Mr. S.R. Roul, learned ASC by placing the statements of Dushmanta @ Purna Chandra Behera, Sushanta Pradhan and Sashi Bhusan Parida submits that there is a strong prima facie case against the petitioner and the main allegation of motive behind the commission of crime is directed against the co-accused Nalu @ Akhay Kumar Pradhan and his father Lalita Pradhan. Learned ASC also submits that although there is no direct evidence against the present petitioner, but the circumstance clearly points out the participation of the present petitioner in the crime. Accordingly, learned ASC prays to reject the bail application of the petitioner.

5. After having considered the rival submissions made and taking into consideration the nature and gravity of accusations raised against the petitioner and keeping in view the nature and strength of supporting materials available on record and regard being had to the fact that no direct evidence is available against the present petitioner and the present petitioner having been detained in custody since 02.08.2022 and taking into account the other circumstance on record in entirety including the statements of aforesaid witnesses referred to by the learned ASC, this Court considers it proper to grant bail to the present petitioner.

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 fortnight preferably on a Sunday 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 grave and serious 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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