
(2022) 05 OHC CK 0044
In the Orissa High Court
Case No : Bail Application No. 9589 Of 2021

Raju @ Rajendra Naik

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 10-05-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 302, 324, 506

Citation : (2022) 05 OHC CK 0044

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

Bench : Single Bench

Advocate : R.K. Patnaik, P.K. Mohanty

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. R.K. Patnaik, learned counsel for the Petitioner and Mr. P.K. Mohanty, learned Additional Standing Counsel.

2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Raju @ Rajendra Naik in connection with Gangapur P.S. Case No.105 of 2012 corresponding to S.T. Case No.06/2016 & 84 of 2014 [G.R. Case No.548/2012(A)] pending in the court of learned Additional Sessions Judge, Bhanjanagar for alleged commission of offence under Sections 324/302/506/34 of the Indian Penal Code.

3. It is submitted on behalf of the Petitioner that he is inside custody since 29th October, 2015 and in the meantime two other co-accused persons, namely Bansi Naik and Gobinda Naik have been released on bail by this court in BLAPL Nos.4171 of 2019 and 9534 of 2017. It is further submitted that in the meantime 13 witnesses have been examined in course of trial and discrepancies are there in their evidence vis-à-vis the F.I.R. with regard to assault made by the present Petitioner.

4. Upon hearing Mr. Mohanty, learned ASC for State and on perusal of the evidence of all such witnesses, viz., P.W.1 to P.W.13 and keeping in view long detention of the Petitioner inside custody, it is directed to release the present Petitioner on bail in the aforesaid case on such terms and conditions to be fixed by the learned court in seisin over the matter including the condition that, the Petitioner shall attend the trial court on each date fixed.

5. The certified copies of depositions as filed by the Petitioner are kept on record.

6. The BLAPL is disposed of.

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

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