

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.7374 OF 2021

Mohit Kumar Ray

....

Petitioner

Mr. Umakanta Barik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Nayak, AGA

CORAM:

MR. JUSTICE D.DASH

ORDER

20.09.2021

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. The Petitioner being in custody in connection with Rourkela GRP P.S. Case No.36 of 2016 corresponding to S.T. Case No.43 of 2021 on the file of learned 2nd Addl. Sessions Judge, Rourkela running for commission of offence under Section – 302-201/34 of the IPC, has filed this application under section 439 of the Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that there is no direct evidence to connect this Petitioner with the alleged crime and when the wife of the deceased has stated that the persons namely, Koel Bag, Sk. Yusuf and Neglu Rao had come to their house and asked her about the address of the deceased, this Petitioner has not been named to have accompanied them and the only material to connect the Petitioner is that he with

the deceased having committed he with others were chasing the deceased for getting his share over the subject matter. It is further submitted that those three co-accused persons named by the wife of the deceased are now on bail. It is submitted that the Petitioner having gone to Surat to earn his livelihood has come to be arrested later on. It is submitted that the Petitioner now having came back from his place of work was then arrested from his house where he was then living. Under the circumstance, contending that there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence; he urges for grant of bail to the Petitioner.

4. Learned counsel for the State opposes the move. Although he does not dispute the factum of grant of bail to the co-accused persons, it is submitted that such long period of abscondance on the part of the Petitioner does not make him entitled to bail.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner; further taking into account the factum of release of co-accused on bail with other surrounding circumstances including the period of detention of the Petitioner in custody; this Court finds that further detention of this Petitioner in custody till conclusion of trial is not warranted. According, it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. he will appear in person before the Court in seisin of the case on each date of posting of the case without fail; and
2. will leave the jurisdiction of the jurisdiction of the Court in seisin of the case.
6. The BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

