

**ST No. 302 of 2018**

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18.08.2018

The record is put up today. Learned APP and the learned defence counsel are present in the court. Learned defence counsel moved the bail petition dtd.17.08.2018 for the accused petitioner Muralidhar Rout, Aged about 68 years, S/O: Late Binod Rout of Vill: Godhan, P.S.: Patkura, Dist: Kendrapara. Heard all concerned on the point of bail.

Learned defence counsel submitted that the accused petitioner is in jail custody since 07.02.2018 and he is an innocent person. It is also submitted that he is no way connected with the alleged crime and there is no prima facie case against him. As per his contention though the accused petitioner is permanently residing in his native village, he has been falsely shown as an absconder in the charge-sheet. Furthermore, the accused petitioner is a permanent resident of village Godhan within the district of Kendrapara and there is no chance of his absconding. It is also contended that no bail application is pending before any other court and to that effect a certificate has been appended to the bail application. On the aforesaid grounds the learned counsel for the accused petitioner submitted to release the accused petitioner on bail.

On the contrary, learned APP vehemently objected the bail petition and submitted that on 02.07.2011 at about 6:30 A.M. the accused petitioner along with other accused persons being armed with deadly weapons such as bhujali, thenga, farsa, etc. abused Akshaya Swain in filthy language and threatened to kill him and thereafter attacked him by means of aforesaid deadly weapons, as a result of which said Akshaya Swain fell on the ground and sustained bleeding injuries on his hand, head, leg and

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belly. After the incident the said injured was shifted to Kendrapara medical for treatment and subsequently he was referred to Cuttack medical where he died during the course of his treatment. As per his contention the accused petitioner and other accused persons committed the heinous offence like murder of Akshaya Swain by assaulting him brutally by means of deadly weapons and therefore he should not be released on bail.

On perusal of record, it is found that the accused petitioner along with other accused persons are involved for the offences punishable U/S.147/148/294/302/149 of the IPC and the trial of this case has not been started till date. At this stage, if the accused will be released on bail, he may abscond to avoid trial and he may threaten the prosecution witnesses.

Considering the nature and gravity of the offences and manner of commission of the crime by the accused petitioner along with the co-accused persons and submissions made by the learned APP it is not desirable to enlarge the accused petitioner on bail. Hence, the bail petition is devoid of merit and stands rejected. The accused is in jail custody.

Grant free copy of this order to the learned defence counsel on proper application.

Put up on date fixed i.e. on 20.08.2018 for consideration of charge.

Dictated.

Addl. Sessions Judge,  
Kendrapara