

ST Case No.302 of 2018

28.10.2021

This is an application filed by the accused petitioner namely Muralidhar Rout, Aged about 72 years, S/O: Late Binod Rout of vill: Godhan, P.S.: Patkura, Dist: Kendrapara through his learned counsel seeking bail. On the foot of the bail application learned counsel appearing for the accused petitioner certified that no similar bail application of the accused petitioner is pending in any court of law.

Heard the learned counsel appearing for the accused petitioner and the learned Addl. P.P. appearing for the State on the question of grant or refusal of bail. Learned counsel appearing for the accused petitioner submits the ground reflected in the bail application. On the contrary, the learned Addl. P.P. raises objection and submits that there is no changing circumstance to consider this bail application and previously the bail petitions were rejected.

The accused petitioner has been implicated in commission of the offence punishable U/S.147/148/294/302/149 of the Indian Penal Code. The prosecution case as depicted in the F.I.R. and other materials on record is that on 02.07.2011 at 6:30 A.M. at village Garajanga when the younger brother of the informant namely Akshaya Kumar Swain (Fusia) was returning from his paddy land, on the way the present accused petitioner along with other persons being armed with Farsa, Bhujali, lathi abused him in obscene words and collectively assaulted him, as a result

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of which his younger brother died. The alleged incident took place due to dispute regarding lease of sand.

In the instant case, the evidence of the eye witnesses including the informant have already been recorded. They do not support the prosecution case. The accused is in jail custody since 08.07.2018. In the fact and changing circumstances of the case and also considering the period of detention of the accused petitioner in custody, I am inclined to release him on bail.

In the result, the bail application of the petitioner is allowed.

Let the accused petitioner be released on bail on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of this court with the condition that he shall appear before the court in person on each date of posting till conclusion of the trial.

Put up when bail bonds will be furnished.

Dictated.

**Addl. Sessions Judge,
Kendrapara**