

CORAM : Hon'ble Shri Justice S. Pujahari

BLAPL No.4511 of 2020

Sumanta Majhi

... Petitioner

- Versus -

State of Orissa

... Opp. Party

ORDER

4. 30.9.2020

In the wake of the pandemic Covid-19, the case is taken through V.C.

Heard the learned counsel for the petitioner and the learned counsel for the State.

The petitioner being in custody in G.R. Case No.261 of 2009 (G) arising out of Adava P.S Case No.44 of 2009 pending in the court of J.M.F.C., Mohana, Gajapati has filed this petition for his release on bail. The offences alleged against him are punishable under Sections 147/148/149/435/120(B)/121/121(A)/124(A)/506 IPC and Sections 25/27 of the Arms Act, 17 Criminal L.A Act, Sections 3/4 of PDPP Act and Sections 16/18/20/23/38 of Unlawful Activities (Prevention) Act.

The allegation of the prosecution is that on 23.12.2009 at about 11.30 P.M around 30 persons being armed with deadly weapons illegally detained OSRTC bus and set the same into fire after evacuating the passengers and other staff of the bus. The prosecution allegation further reveals that the petitioner being a member of Maoist Organization which is engaged in subversive activities like waging war against the State.

Learned counsel for the petitioner submits that the basis of implication of the petitioner in this case is the confession of co-accused made before the police. Besides the same, no other material is there against the petitioner to implicate him in this

case. Investigation in this case has already been completed. Some of the co-accused persons have faced their trial and already acquitted. In such premises, he submits to release the petitioner on bail, more so when he has no chance of absconding and/or tampering with the prosecution evidence, if released on bail.

Learned counsel for the State, however, opposes the prayer for bail advancing the submission that the petitioner shall involve in such subversive activities, if released on bail.

Regard being had to the aforesaid facts and submissions made, especially the nature of accusation, character of incriminating materials appearing against the petitioner in support of the charge, circumstances in which the petitioner has been indicted and factum of completion of investigation, coupled with the fact that hardly any material is there to suggest that the petitioner is likely to abscond and/or tamper with the prosecution evidence, if enlarged on bail, I am of the view that the petitioner in this case deserves to be released on bail.

Hence, the petitioner be released on bail in the aforesaid case by the Court in seisin over the matter on such terms and conditions as it would deem just and proper.

Accordingly, the BLAPL stands disposed of being allowed.

Parties may utilize a copy of this order as per High Court's Notice No.4587 dated 25.03.2020.

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S.Pujahari, J.