

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.5986 of 2021**

***Muna @ Himansu Mohanty***

.... ***Petitioner***  
*M/s.S.R.Mulia, Advocate*

*-versus-*

***State of Orissa***

.... ***Opp. Party***  
*M/s.D.Nayak, A.G.A.*

**CORAM:**

**JUSTICE G. SATAPATHY**

**ORDER**

**30.08.2022**

**Order No.**

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Chauliaganj P.S. Case No.143 of 2021 corresponding to G.R. Case No.484 of 2021 pending in the Court of learned J.M.F.C.(City), Cuttack for commission of offence punishable U/S. 302 of I.P.C.
  3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is not the perpetrator of the crime and the sole eye witness projected by the prosecution has turned hostile and she has not deposed anything about the guilt of the petitioner. It is further submitted that the petitioner is inside the custody since 30.4.2021 and all the prime witnesses having been examined in this case, the petitioner may be admitted to bail on any condition.
  4. On contrary, learned counsel for the State by placing the statement of the accused recorded in compliance to Section 27 of Indian Evidence Act submits that the circumstance recovery of knife pursuant to the disclosure of the petitioner itself go a long way to establish the guilt of the petitioner and the petitioner thereby is not entitled to bail.
  5. Having heard the rival submissions advanced at the Bar and considering the nature and gravity of allegations coupled with fact that one

of the eye witness has turned hostile while being examined in the Court and keeping in view the pre-trial detention of the petitioner and the cherished object of personal liberty and regard being had to the nature, character and strength of the supporting materials and the circumstance in which the alleged crime has been committed and the investigating agency having not collected any materials to indicate that the petitioner would abscond or tamper with the evidence, this Court feels it proper to enlarge the petitioner on bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

( *G. Satapathy* )  
*Judge*

*Kishore*