

(2024) 05 OHC CK 0106

Orissa High Court

Case No: Bail Application No. 9865 Of 2023

Dhanurjaya Soura @
Badal & Anr

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: May 8, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 201, 302

Hon'ble Judges: Sashikanta Mishra, J

Bench: Single Bench

Advocate: Biraja Prasad Nanda, S.K. Mishra

Final Decision: Dismissed

Judgement

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 30.12.2022 in connection with Kotpad P.S. Case No.201 of 2022 corresponding to C.T. No.48 of 2023, pending in the Court of learned Addl. District & Sessions Judge, Jeypore for the alleged commission of offence under Sections 302/201/34 of IPC.
4. The prosecution case is that an unknown dead body was found in a decomposed state in a jungle. Getting the information, a UD case was registered by Police and investigation was taken up. In course of investigation, the complicity of the petitioners came to light, for which they were

taken to custody. It was found that the petitioners had conspired to kill the deceased, who belongs to the State of Uttar Pradesh. After killing him they threw the dead body into the forest with the intention of concealing it.

5. Looking at the overwhelming evidence on record, this Court is ordinarily not inclined to grant the prayer for bail. However, in so far as petitioner

No.1 is concerned, having regard to the fact that he is suffering from cancer and is under treatment, I am willing to take a lenient view, more so, as he

being granted interim bail earlier, has surrendered to custody in time. The bail application in respect of petitioner No.1- Dhanurjaya Soura @ Badal is

allowed purely on humanitarian ground. Let the petitioner No.1 be released on bail on such terms conditions as the Court below may deem fit and

proper to impose.

6. The bail application in respect of petitioner No.2 is rejected.

7. Issue urgent certified copy as per rules.

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