

**(2024) 07 OHC CK 0096**

**Orissa High Court**

**Case No:** Bail Application No. 4540 Of 2024

Jhasketan Bhoi

APPELLANT

Vs

State Of Odisha

RESPONDENT

---

**Date of Decision:** July 26, 2024

**Acts Referred:**

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 302, 348, 364

**Hon'ble Judges:** V. Narasingh, J

**Bench:** Single Bench

**Advocate:** S.K. Pradhan, P.K Maharaj

**Final Decision:** Disposed Of

---

### **Judgement**

V. Narasingh, J

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with G.R. Case No.348(B) of 2022, pending in the Court of learned Addl. Sessions Judge Bargarh, arising out of Barpali P.S. Case No.360 of 2022, for commission of alleged offences under Section 302/34/348/364 of IPC.
3. Learned counsel, on instruction, submits that except the present BLAPL, no other bail application of the Petitioner relating to the aforementioned P.S. Case is pending in any other Court.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Bargarh by order dated 01.05.2024, the present BLAPL has been filed.

5. It is submitted by the learned counsel that the Petitioner is in custody since 01.05.2024 and charge sheet in the case at hand has been filed showing the Petitioner has been absconder.

6. The allegation against the present Petitioner is that he along with the co-accused brutally assaulted the deceased- Jogeswar Meher, who allegedly committed theft of a motor cycle. While the said deceased was being taken to the nearest police station, he succumbed to the injury.

7. Learned counsel for the Petitioner further submits that by orders dated 15.05.2023 and 12. 04.2024 the co-accused persons (Benudhar Bhoi and Gananath Padhan @ Gana Padhan) have been released by this Court in BLAPL No.3608 of 2023 and 1078 of 2024 respectively. It is stated by the learned counsel that the Petitioner is the first offender.

8. Learned counsel for the State opposes the prayer and submits that since the Petitioner was absconding, prima facie shows his complicity and therefore, his bail application does not merit consideration.

9. It is further submitted by the learned counsel for the Petitioner that unfortunate incident happened in spur of the moment without any premeditation. Hence offense under Section 302 of IPC is prima facie not attracted.

10. Taking into account the role ascribed to the Petitioner and release of co-accused, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin subject to verification of criminal antecedent.

11. If it comes to fore that the Petitioner has criminal antecedent of any nature, this order shall not be given effect to.

12. Additionally, it is directed that the Petitioner shall appear before the jurisdictional police station once every month on such date and time to be fixed by the learned Court in seisin till conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin.

13. Accordingly, the BLAPL stands disposed of.

14. Urgent certified copy of this order be granted as per the rules.

.....