



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.579 of 2025

Rajendra Rout and another* ... *Petitioners

Mr. D. Nayak, Sr. Advocate along with
Mr. A. Bhuyan, Advocate

-versus-

State of Orissa* ... *Opposite Party

Mr. S.K. Rout, Addl. PP
Mr. K.K. Rout, Advocate (Informant)

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
25.03.2025

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.483 of BNSS by the petitioners for grant of bail in connection with GR Case No.104 of 2020 arising out of Rajkanika PS Case No.58 of 2020 pending in the file of learned JMFC, Aul, Kendrapara, for commission of offences punishable under under Sections 341/ 294/ 323/ 324/ 354-B/ 506/ 307/34 of IPC, but subsequently charge-sheeted for commission of offences punishable under Section 302 of IPC along with other offences, on the main allegation of committing murder of the husband of the informant.
3. Heard, D. Nayak, learned Senior Counsel appearing along with Mr. Akash Bhuyan, learned counsel for the petitioners, Mr. Kshirod Kumar Rout, learned counsel for the informant and Mr. S.K. Rout,



learned Additional Public Prosecutor in the present matter and perused the record.

4. The bail application of the petitioners was pressed by Mr. Nayak, learned Senior Counsel on the ground of release of principal accused so also other accused persons standing on similar footing, whereas such bail application has been opposed to by Mr. Rout, learned counsel for the informant on the ground that the order which has been passed granting bail to the principal accused is not a reasoned order and, thereby, it cannot create a precedent for grant of bail to the petitioners. Further, he also opposes the bail application of the petitioners on the ground of threatening the witnesses likely to depose in this case and to that effect, he has relied upon the order passed by the learned JMFC, Aul in 1CC Case No.22 of 2022 taking cognizance of offences on the protest petition of the informant. Similarly, Mr. S.K. Rout, learned Additional Public Prosecutor echoing the submission of Mr. Kshirod Kumar Rout, learned counsel for the informant prays to reject the bail application of the petitioners.

5. It is not in dispute that the main allegation of giving fatal blow to the deceased is directed against co-accused Deepak Rout @ Dipu @ Dipak, but although his bail application was rejected by this Bench in BLAPL No.10176 of 2022, but subsequently his bail application was allowed by a co-ordinate Bench of this Court and



the said order has not yet been set-aside or varied. Accepting for a moment, but not admitting that the said order has been passed not on merit, but the said order having not been challenged in appellate forum is still valid and operative. It is also not in dispute that co-accused Manas Ranjan Rout @ Papu, who is standing on similar footing has already been granted bail by this Court in BLAPL No.12032 of 2024. No doubt, the learned JMFC, Aul has taken cognizance of offence in 1CC Case No.22 of 2022, but the said learned Magistrate having not taken cognizance of offence U/S.195(A) of IPC, prima facie there is no material to justify threatening of the witnesses by the petitioners at this stage.

6. In view of the above facts and after having considered the rival submissions and keeping in view the release of principal accused and co-accused on bail as referred to above, this Court without expressing any view on merit, admits the petitioners to bail by extending the principle of parity.

7. Hence, the bail application of the petitioners stands allowed and the petitioners are allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following conditions:-



(i) the petitioners shall not commit any offence while on bail,

*(ii) the petitioners in the course of trial shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with. **In case the Petitioners fail without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioners for offence U/S.269 of BNS, 2023 in accordance with law,***

(iii) the petitioners shall not leave the territorial jurisdiction of the trial Court without prior permission till disposal of the case by intimating their present address of stay and

(iv) the petitioners shall report attendance before the jurisdictional Police Station once in a fortnight preferably on 2nd Sunday of each month in between 10 A.M. to 12 Noon for six(06) months from the actual date of their release from the custody.

The I.I.C. of Jurisdictional Police Station shall not detain the petitioners unnecessarily after recording their attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioners without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioners in future for similar/grave offences on prima facie accusations



may be treated as a ground for cancellation of bail in this case.

8. Accordingly, the BLAPL stands disposed of.
9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

Signature Not Verified

Digitally Signed
Signed by: SUBHASMITA DAS
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 26-Mar-2025 14:04:55

