

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 653 of 2022

Gangadhar Naik

....

Petitioner

Mr. C. Pattnaik, Advocate

- Versus -

State of Odisha

....

Opp. Party

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.09.2022

Order No.
06.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 17.08.2020 in connection with Hindol P.S. Case No.64 of 2020 corresponding to G.R. Case No.283 of 2020 pending in the file of learned Sessions Judge, Dhenkanal in CT (Sessions) Case No. 11 of 2021 for the alleged commission of offence under Sections 341/323/307/302/34 of IPC.
4. It is alleged that the petitioner and his family members brutally assaulted the deceased by means of bamboo sticks causing bodily injuries which ultimately resulted in his death. From the statement of the eye-witnesses, it appears that one Lipun Nayak had started the assault whereupon the deceased fell down on the ground. Thereafter, the petitioner and other co-accused persons are alleged to have assaulted him by bamboo sticks. All other accused persons have in the meantime been released on bail. There is no material on record to persuade this Court to treat the petitioner differently than the members of the group.

5. Considering the above facts, the period of detention in custody and the fact that all other co-accused persons have already been released on bail, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case and in case of even a single default necessary orders shall be passed by the Court below to take him to custody again.
6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

A.K. Rana



(Sashikanta Mishra)
Judge