

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.64 of 2022

Jaga @ Jagabandhu Dash

.... ***Appellant***
Mr.S.K.Dwibedi, *Advocate*

-versus-

State of Odisha & another

.... ***Respondents***
Mr.K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.03.2022

Order No.

2. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the appellant as well as the learned Additional Standing Counsel.
3. Perused the Case Diary, F.I.R. and 161 Cr.P.C. statements of the witnesses
4. The appeal is directed against the order dated 20.01.2022 passed by the learned District & Sessions Judge-cum-Special Judge, Jajpur in C.T.(Spl) No.06 of 2022 in rejecting the bail application of the appellant in connection with Kuakhia P.S.case No.06 of 2022.
5. The Prosecution case in brief is that on 07.01.2022 one Jadi Mallick lodged a written report before the I.I.C. Kuakhia Police Station alleging that on that day at about 4 P.M. some monkeys were there in her terrace. When she drove away them they again mount to the terrace of Gaya Dash. Thereafter said Gaya Dash along with the present appellant and other villagers abused the informant in filthy

languages and also assaulted her, as a result of which she sustained injuries. It is also alleged that the appellant and other co-accused persons also poured petrol on the house of the informant to set fire on it.

6. It is submitted by the learned counsel for the appellant that the appellant is in custody since 08.01.2022. It is further submitted by the learned counsel for the appellant that due to petty issue there was a free fighting between the parties, as a result of which both sides sustained injuries and all the injuries sustained by either side are simple in nature. It is further submitted by the learned counsel for the appellant that the appellant is a permanent resident of the locality there is no chance of his absconding and in the event the appellant is released on bail he shall cooperate with the investigation as well as the trial of the case.

7. Learned counsel for the State on the other hand opposes the bail of the appellant on the ground that the allegation is serious in nature and he is sure that the case may be converted to Section 302 of the Indian Penal Code. Accordingly he urges for rejection of bail application of the appellant.

8. Considering the nature of allegations made in the F.I.R. as well as the custodial detention of the appellant and the fact that the injuries sustained by both the sides are simple in nature, this Court is inclined to release the appellant on bail on furnishing a bail bond of Rs.30,000/- (Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the condition that in the event it is found that the case has been converted to Section 302 of the Indian Penal Code, the order shall automatically revoked.

9. With the aforesaid direction the impugned order is set aside.
The appeal is accordingly allowed.
10. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

