

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 805 of 2022

Mohan Marndi and another

....

Petitioners

*Mr. Susanta Kumar Baral,
Advocate*

-Versus -

State of Odisha

Opposite Party

....

*Mr. S.K.Mishra,
Addl. Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.3.2022.

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. The petitioners are in custody since 31.1.2022 in connection with Bangiriposi P.S.Case No. 143 of 2021 corresponding to C.T. Case No. 1548 of 2021 pending in the court of learned S.D.J.M., Sadar, Baripada for the alleged commission of offence under Sections 302/201/34 of IPC
4. The allegation is that the petitioners being associated with some other persons caused the death of the deceased by assaulting him by means of a lathi.
5. Learned counsel for the petitioners submits that except for the so-called extra judicial confession made by the petitioners, there is no other material to show his complicity in the occurrence. It is further submitted that the prosecution case on the face of it appears to be not acceptable for the reason that while the so-called extra

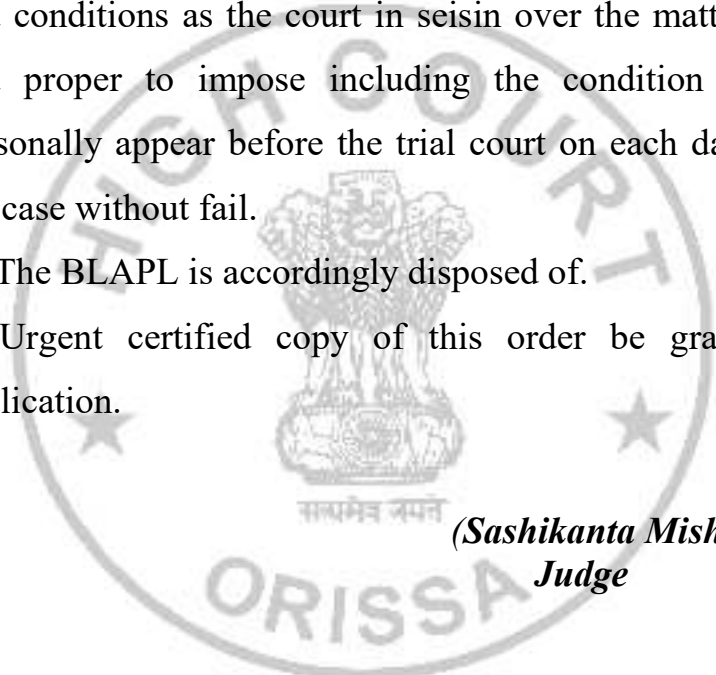
judicial confession refers to assault by means of a stick yet, the post-mortem report does not support the same.

6. Learned Additional Standing Counsel for the State has opposed the prayer for bail by submitting that the materials available on record are adequate to show the complicity of the petitioners in the occurrence.

7. Having considered the rival submissions, the materials on record, the period of detention already undergone and the fact that the charge sheet has already been submitted, I am inclined to allow the prayer for bail. Let the petitioners 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 they shall personally appear before the trial court on each date of posting of the case without fail.

8. The BLAPL is accordingly disposed of.

9. Urgent certified copy of this order be granted on proper application.

The seal of the High Court of Orissa is a circular emblem. It features the Ashoka Lion Capital in the center, with the motto 'Satyameva Jayate' in Devanagari script below it. The words 'HIGH COURT' are written in an arc at the top, and 'ORISSA' is written in an arc at the bottom. Two five-pointed stars are positioned on either side of the central emblem.
(*Sashikanta Mishra*)
Judge