

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2371 of 2022

Nityananda Rohidas & Others

....

Petitioners

Mr. J. Khansama, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. A. Pradhan, Addl. Standing Counsel

Mr. Ajit Rout, Advocate (for informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

12.04.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners, learned counsel for the informant and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 21.01.2022 in connection with Kisinda P.S. Case No.5 of 2022 corresponding to G.R. Case No.29 of 2022 pending in the Court of learned S.D.J.M., Rairakhol for the alleged commission of offence under Sections 302 of IPC.
4. The prosecution allegation is that one Khirod Rohidas entered into the house of the informant and abused his family members. When the sister of the informant was proceeding towards police station to report the matter, the said Khirod followed her and assaulted her by means of an axe causing her death. A perusal of the FIR as well as the other materials available in the case diary reveal that no specific overt act has been attributed to any of the present petitioners, save and except the allegation that they had handed over an axe to the petitioner.
5. Considering the above fact and particularly in the absence of any specific evidence showing the complicity of the petitioners in the alleged occurrence, 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 and in case of even a single default, the Court below shall pass appropriate orders to take them to custody again. Further they shall appear before the IIC of Kisinda Police Station once in every fortnight for a period of six months and such fact shall be certified by the IIC to the concerned Court once every month. Further if there is any complaint of any of the petitioners threatening the informant or his family members, it shall be open to the prosecution to seek cancellation of bail.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

