

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3208 of 2022

Milu Jena @ Sukanta Jena

....

Petitioner

Ms. A. Sahoo, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P. Tripathy, Addl. Standing Counsel
Mr. S.R. Das, Advocate for the informant

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

10.05.2022

Order No.
01.

1. This matter is taken up through hybrid mode.
2. The petitioner's prayer for bail was earlier rejected by this Court vide order dated 01.02.2022 in BLAPL No. 225 of 2022 granting liberty to renew his prayer after submission of charge sheet.
3. Charge sheet has been submitted in the meantime. Hence, the petitioner has renewed his prayer.
4. Mr. S.R. Das, learned counsel has entered appearance for the informant by filing vakalatnama, the same be kept on record.
5. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
6. The petitioner is in custody since 06.12.2021 in connection with Fategarh P.S. Case No.238 of 2021 corresponding to G.R. Case No.221 of 2021 pending in the Court of learned J.M.F.C., Bhapur for the alleged commission of offence under Sections 341/323/294/354/354-B/313/506/34 of IPC.
7. It is alleged that because of a dispute relating to the Gram Panchayat election there was a tussle between two groups, in

course of which the petitioner along with other culprits abused and assaulted the informant/victim, who is a lady. It is also stated that because of such assault, her pregnancy was aborted.

8. Learned counsel for the informant has opposed the prayer for bail by submitting that if the petitioner is released there is every chance of him threatening or pressurizing the informant and the witnesses.

9. Learned Addl. Standing Counsel has also opposed the prayer for bail by raising same grounds.

10. Having considered the rival submissions and after perusing the materials on record it appears that all other co-accused persons have been released on bail, as is evident from the charge sheet. The petitioner has been in custody for more than six months by now.

11. Having regard to the above facts, 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 not approach, threaten, coerce or pressurize the victim in any manner whatsoever and in case he violates such condition, it shall be open to the informant/victim to seek cancellation of his bail. Further, 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 to take him to custody again.

12. BLAPL is accordingly disposed of.

13. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge