

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5090 of 2021

Binod Dalabehera & Another

....

Petitioners

Mr. A.K. Budhia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K. Nayak, AGA

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
12.07.2022**

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Learned counsel for the Petitioners submits that here in the case, the Petitioners being the family members of the principal accused Sanatana Dalabehera against whom the allegations as to commission of principal offences run have been unnecessarily arraigned in the case being assigned with some role having no nexus with the commission of the principal offences. It is further submitted that the attempt to implicate these Petitioners in the above manner is only to harass them to the maximum. In view of all these above and in the absence of any such impediment; he urges for grant of bail to these Petitioners.

3. Learned counsel for the State does not dispute the position that the allegations in respect of commission of the principal offences do not run against these Petitioners.

4. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding circumstances of the case as also concerning the Petitioners; it is directed that in the event the Petitioners surrender before the court in seisin of the case in connection with Fategarh P.S. Case No.62 of 2021 corresponding to G.R. No.55 of 2021 on the file of learned J.M.F.C., Bhapur within three weeks hence and move for their release on bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the said court in seisin of the case with further condition that they will not threaten or terrorize the prosecution witnesses including the victim in any manner.

5. The ABLAPL is accordingly disposed of.

6. Issue urgent certified copy as per rules.

(D. Dash)
Judge