

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.4068 of 2022**

***Maheswar Parida & Another***

.... ***Petitioner***  
Mr. B.Pujari, Advocate

*-versus-*

***State of Odisha***

.... ***Opposite Party***  
Mr. S.K. Nayak, AGA

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

**ORDER**  
**26.07.2022**

**Order No.**

01. 1. This matter is taken up through hybrid arrangement.
2. This is the second journey of this petitioners, who is in custody in connection with Bansada P.S. Case No.175 of 2021 corresponding to G.R. Case No.383 of 2021 arising out of S.T. Case No.15 of 2022 pending in the Court of the learned Sessions Judge, Bhadrak for offence punishable under sections 341/323/294/307/302/506/34, I.P.C. in filing this application under section 439, Cr.P.C. for their release on bail.
3. Learned counsel for the Petitioners submits that this Petitioner being arrested in the case is in custody since 06.06.2021 and in the meantime the case has been committed to the Court of Sessions placing the Petitioner and others to trial. He further submits that the allegations with regard to the dealing of the fatal blows upon the deceased, namely, Dukhiram Das run against accused Ganesh Parida and Chandan Parida and it is said that they holding iron rod assaulted the deceased to death. He further submits that these Petitioners are alleged stand to have assaulted Ramesh Das and Uncle of the Informant. He submits that even accepting the prosecution version for a moment looking at the surrounding circumstances, the involvement of these Petitioners cannot stand for commission of offence under section 302, I.P.C. with an aid of section 34, of the I.P.C. In view of all these further placing the period of detention of the Petitioner in custody and in the absence of any other

impediment, he urges for reconsideration of the prayer for bail to this Petitioner.

4. Learned counsel for the State opposes the move in the absence of any changing circumstance after the last rejection of the prayer made by these Petitioners for their release on bail.

5. Considering the submissions as advanced and on going through the materials as placed; further keeping in view the surrounding circumstances including the factum of detention of the petitioners in custody; while being inclined to reconsider the prayer for bail of this petitioner, it is directed that the petitioner be released on bail in the aforesaid case with such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that he will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial; will not indulge himself in any criminal activity and will not threaten or terrorize the prosecution witnesses in any manner.

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

**(D. Dash)**  
**Judge**