

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 406 of 2022

Aka Badamali & Others

...

Appellants

Mr. Sk. Zafarulla, Advocate.

-Versus -

State of Odisha & Anr.

....

Respondents

Mr. P. Tripathy, Addl. Standing Counsel.

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

15.11.2022

Order No.
04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the appellant and learned Addl. Standing Counsel for the State.
3. It is submitted by learned State Counsel that notice on the informant was served on 06.11.2022. There is however, no appearance. Hence, the appeal is taken up for hearing.
4. The appellant No.1 is in custody since 01.03.2022 and appellant Nos.2 to 4 are in custody since 03.03.2022 in connection with Manamunda P.S. Case No.49 of 2022 corresponding to Special Case (SC & ST) No. 11 of 2022 pending in the Court of learned Special Judge, Boudh for the alleged commission of offence under Sections 143/147/294/323/324/325/506/307/427/435/149 of IPC read with Section 25/27 of the Arms Act and Section 3(1) of Explosive Substance Act and Section 3(1)(r)(s) of SC & ST(POA) Act.
5. It is alleged that the appellants being associated with several other persons formed an unlawful assembly and

assaulted the informant and his friends causing severe injuries. It is submitted that several co-accused persons have been released on bail as per order passed by this Court. There is nothing to show that the appellants do not stand on the same footing as the co-accused persons who have been released on bail. In fact, apart from the allegation that the appellants were member of the unlawful assembly, no other specific overt act has been attributed to them.

6. Considering the same, I am inclined to allow the prayer for bail. Let the appellants 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.

7. CRLA is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana