

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4149 OF 2021

Bijay Madi & Others

..... Petitioners
Mr. P.K. Nanda, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr. K.K. Gaya, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
09.05.2022

Order No.
06.

1. This matter is taken up through Hybrid Mode.
2. The petitioners are accused in connection with G.R. Case No. 52 of 2021 corresponding to Malkanagiri P.S. Case No. 24 of 2021, pending on the file of the learned S.D.J.M., Malkanagiri for the alleged commission of offence under Sections-120(B)/302/201/34 of the IPC.
3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge, Malkangiri by Order dtd. 20.05.2021 in B.A. No. 78 of 2021, the present BLAPL has been filed.
4. Heard Mr. P.K. Nanda, learned counsel for the petitioner and Mr.K K. Gaya, learned Additional Standing Counsel for the State.

5. Perused the recitals in the Case Diary and the statements of Parimala Mandal and the Ghasi Kabasi, the brother of the informant and the statement recorded under Section-27 of the Evidence Act of Jagannath Madi.

6. Taking into account the nature of materials, this Court is not inclined to exercise its jurisdiction in respect of Petitioner No.1- Bijay Madi and Petitioner No.4-Lakma Madi.

7. The bail application of petitioner no.1 and 4 accordingly stands dismissed.

8. So far as the Petitioner No.2- Ganesh Madhi @ Madi and Petitioner No.3-Rama Madi are concerned, taking into account the period of custody and the role ascribed to them, this Court directs that petitioner nos. 2 and 3 are to be released on bail, on such terms to be fixed by the learned Court in seisin over the matter,

9. The learned counsel for the petitioner relied on the Order of this Court dtd.20.09.2021 passed in BLAPL No. 5302 of 2021. On perusal of the said order, it is seen that, the present petitioners are not similarly circumstanced with the petitioner therein.

10. The Bail Application thus stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*