

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5622 OF 2022

***Tusi @ TusaraGarada @
Tushar Garada & another***

***..... Petitioner
Mr.A.Mishra, Adv.***

-versus-

State of Odisha

***..... Opposite Party
Mr. P.K.Maharaj, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
12.08.2022**

**Order No.
02.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioners are accused in connection with G.R. Case No.280 of 2022 arising out of Jeypore Town P.S. Case No. 66 of 2022 on the file of learned SDJM, Jeypore, Koraput, registered for the alleged commission of offence under Sections 147/148/ 323/ 326/ 341/ 307/149 of the I.P.C.
4. Being aggrieved by the rejection of their application for bail U/s 439 Cr.P.C. by the learned Addl. Sessions Judge, Salipur by order dated 08.06.2022 in BLAPL No.72 of 2022, the present BLAPL has been filed.
5. Perused the statement of the accused Santosha Kaincha recorded under Sec. 27 of the Evidence Act and the statement of the injured Kartik Naik, who has categorically ascribed the overt act to Santosh Kaincha.

6. Learned counsel for the petitioners submits that the accused Santosh Kaincha in the meanwhile has been released on bail by the learned court in seisin over the matter and he seeks release of the petitioners since the blow causing injury has not been ascribed to the petitioners.

7. Learned counsel for the State opposes the prayer for bail and submits that the consideration for release of accused Santosha Kaincha is different since he was considered to be CCL and hence, states that ground of parity cannot be pressed service.

8. Considering the statement of the injured and the statement of Santosha Kainch undr Se. 27 of the Evidence Act, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

9. Additionally it is directed that the petitioner No.1 Tusi @ Tusara Garada @ Tushar Garada shall appear before the jurisdictional Police Station once every week till conclusion of the trial. Violation of condition relating to such appearance shall entail cancellation of bail without further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

11. Statement under Sec. 27 of the Evidence Act of Santosha Kaincha be kept on record.

12. Issue urgent certified copy of this order as per Rules.

(V.Narasimha)
Judge

Dhal