

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

**BLAPL No.5649 of 2022**

***Bipin Kisan and another***

....

***Petitioners***

*Mr. D.K. Mohanty, Advocate*

*-versus-*

***State of Odisha***

....

***Opposite Party***

*Mr. P.K. Pattnaik, AGA*

**CORAM:  
JUSTICE G. SATAPATHY**

**ORDER  
22.12.2022**

**Order No.**

**04.**

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the petitioners for grant of bail in connection with S.T. Case No.04 of 2022 arising out of Mahulpali P.S. Case No.133 of 2021 pending in the file of learned Addl. Sessions Judge, Kuchinda for commission of offences punishable under Sections 302/34 of IPC, on the allegation of committing murder of the deceased by assaulting, along with co-accused persons in furtherance of their common intention.
3. In the course of hearing of the bail application, Mr. D.K. Mohanty, learned counsel for the petitioners submits that all the allegations appearing against the petitioners are omnibus in nature, but the petitioner No.1-Bipin Kisan being a blind person having

100% disability, cannot commit the crime and, he thereby, having detained in custody since 12.10.2021, may kindly be granted bail.

4. On the contrary, Mr. P.K. Pattnaik, learned AGA by relying upon the statement of one Hansis Hoozur submits that the petitioners had assaulted the deceased by means of stick and, thereby, the petitioner No.1-Bipin Kisan even though stated to be a blind person cannot be absolved from the criminal liability in this case. It is accordingly prayed by him to reject the bail application of the petitioners.

5. Considering the rival submissions made, taking into consideration the nature and gravity of the accusations raised against the petitioners and keeping in view the other circumstance on record including the pre trial detention of the petitioners since 12.10.2021 and regard being had to the nature of disability of the petitioner No.1-Bipin Kisan in vision as per the disability certificate produced on behalf of the petitioners and taking into account the role played by the petitioners and the manner of assault to the deceased as alleged against the petitioners, this Court grant bail to the petitioners.

6. Hence, the prayer for the bail of the petitioners stands allowed and the petitioners are allowed to go on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioners shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with and that they shall not leave the

jurisdiction of the trial Court without prior permission till disposal of the case.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioners without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

*Subhasmita*

