

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5878 of 2022

Khadala Swain and others

....

Petitioners

*Mr. J. Sahoo,
Advocate*

-Versus -

State of Odisha

Opposite Party

....

*Mr.S.K. Mishra,
Additional Standing Counsel*

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
29.09.2022**

**Order No.
2.**

1. This matter is taken up through hybrid mode.
2. Heard learned for the petitioners and learned Additional Standing Counsel for the State.
3. The petitioners are in custody since 15.04.2022 in connection with Gangapur P.S. Case No. 101 of 2022 corresponding to G.R. Case No. 285 of 2022 pending in the Court of learned J.M.F.C., Aska for the alleged commission of offence under Sections 143/144/147/148/294/341/323/324/302/307/149/120-B of IPC.
4. The prosecution allegation is that there was free-fight between two groups of persons in course of which members of both the groups sustained injuries and the deceased died. From the record, it appears that the group members belonging to the informant were the aggressors and that the dispute had arisen out

of the recently concluded Panchayat election. Further, because of a prior dispute, the informant and his friends approached the house of the accused persons being armed with deadly weapons like Kati, lathi, iron rod etc. and created disturbance. When the petitioners and their group members protested, there was a scuffle, which led to a free-fight in course of which the members of other group sustained injuries and the deceased died. From the materials on record, nothing specific has been attributed to the petitioners as the eyewitnesses have said that a group of persons came and assaulted the deceased and his friends.

5. Considering the above facts, the materials on record and the fact that the charge sheet has already been submitted, I am inclined to allow the prayer for bail. Let the petitioners 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.

6. The BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge