

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6203 of 2022

Ananda Jal and another

....

Petitioners

Mr. D.R. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
27.09.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in G.R. Case No.68 of 2022 pending in the file of learned J.M.F.C. Binika, Dist-Subarnpur, arising out of Binika P.S. Case No.70 of 2022, offence under Sections 341/323/307/34 of IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Sonepur by order dated 26.04.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the petitioners that in the meanwhile charge sheet has been submitted on 13.06.2022 and since the Petitioner Nos.1 and 2 are in custody since 10.03.2022 and 13.03.2022 respectively, which is more than six

months. Hence considering their period of custody further continuance of the petitioners is not warranted.

7. Learned counsel for the petitioners has placed on record the statement of injured Samir @ Samil Matari and Budhu Prasad Karmi. It is seen that the injured Budhu Prasad Karmi has suffered grievous injury.

8. It is stated by the learned counsel for the petitioners on instructions that both the injured persons have recovered in the meanwhile and are leading a normal life.

9. It is further submitted by the learned counsel for the petitioners that that the incident has happened due to the previous enmity and without any premeditation, as alleged.

10. Learned counsel for the State taking into account the materials, placed by the learned counsel for the petitioners, submits that the manner in which the assault has taken place no lenience is to be shown to the petitioners, merely because charge sheet has been filed.

11. Taking into account the period of custody and filing of charge sheet, 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.

12. Taking note of the manner in which the assault has been made, this Court directs the petitioners to appear before the jurisdictional police station once every week till conclusion of trial.

13. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge