

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6229 of 2022

Phuldas Gond and others

....

Petitioners

Mr. U. Barik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.12.2022

Order No.

05.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in C.T. Case No.44 of 2022, pending in the file of learned Additional District and Sessions Judge, Umerkote, arising out of Umerkote P.S. Case No.43 of 2022, for commission of alleged offences under Sections 450/302/307/324/34 of IPC and is in custody since 30.01.2022.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge, Umerkote, Dist- Nabarangpur by order dated 20.06.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that petitioners are in custody since 29.01.2022 and charge sheet has already been filed on 01.05.2022 and keeping in view the nature of allegations, the petitioners may be released on bail.
5. Learned counsel for the State opposes the prayer for bail.

6. It is apt to state here that in the case at hand, one Khadi Gond was done to death, whereas his son Rabindra Gond is the injured.

7. This Court perused the statement of eyewitness Amita Gond, who is the wife of the deceased and also the statement of the injured Rabindra Gond .

8. The statement of the wife of the deceased clearly indicates that her husband was done to death by the blow given by Phuldas Gond Petitioner No.1. It is also the statement of other injured Rabindra Gond that Phuldas had also tried to assault him when he came to save his father, for which he suffered injuries.

9. It is also stated by the injured Rabindra Gond that the Petitioner No.2 Susanta Gond had inflicted stab injury on him which is grievous in nature.

10. Considering that the fatal blow vis-à-vis the deceased is attributed to Phuldas Gond- Petitioner No.1, this Court is not inclined to entertain this bail application so far as petitioner No.1. Accordingly the same stands rejected.

11. Considering the role ascribed to Petitioner No.2 - Susanta Gond and keeping in view his age and the background in which the offence was committed, this Court directs the Petitioner No.2 be released on bail on such terms to be fixed by the learned Court in seisin.

12. Accordingly, the BLAPL stands disposed of.

13. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge