

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7077 of 2022

Kalia @ Khiraj Kumar Majhi

Petitioner

Mr. B.K. Nayak, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.08.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R Case No.288 of 2022, on the files of J.M.F.C., Pipili, arising out of Delanga P.S. Case No.109 of 2022, under Sections 341/323/325/294/509/307/34 of IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 1st Additional District & Sessions Judge, Puri, by order dated 27.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that since investigation has progressed substantially and co-accused have been released on bail, his further continuance is punitive.

6. Learned counsel for the State on the basis of recitals in the Case Diary submits that there are materials to indicate that the petitioner assaulted one Santanu Tripathy who was shifted to AIIMS for treatment.

7. Learned counsel for the petitioner on instructions submits that said Santanu Tripathy in the meanwhile is discharged and leading a normal life.

8. Taking into account the submission of the learned counsel for the petitioner regarding the present health status of Santanu Tripathy, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Investigating Agency is called upon to produce a report regarding the health condition of Santanu Tripathy before the learned Court below at the time of release. If it comes to the fore that the said injured is still under treatment then this order shall stand recalled without any further reference to this Court.

10. A copy of this order be made over to the learned counsel for the State for compliance.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi