

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2425 of 2022

Akhila Kumar Swain @ Akhila Swain
and Others

....

Petitioner

Mr. P.C. Jena, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. P.K. Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
23.09.2022

Order
No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The limited prayer is made by Mr. Jena, learned counsel for the petitioners that the petitioners were granted anticipatory by this Court in ABLAPL No.14766 of 2017 and in so far as the injury which has been received by the victim is concerned, it is only a single wound as per the medical examination report, a copy of which is at Annexure-3 and considering the same and the fact that the charge sheet has been filed for a higher offence under Section 307 IPC, since the learned court below may not release them on bail but having regard to the fact that petitioners had been on anticipatory bail, they should be directed to appear and released on bail subject to any terms and conditions which is objected to by Mr. Rout, learned AGA on the ground that the injury has been a cut wound on the neck of the victim and it had been subjected to plastic surgery

with an opinion mentioned in the medical examination report i.e. Annexure-3.

3. Considering the fact that only a single injury report was received by the informant which is of course on the neck and apparently a sharp cut but having regard to the fact that the assault is allegedly by the petitioners who are 8 in number and the fact that all of them have been on bail by the orders of this Court, the Court is of the opinion that the petitioners should be directed to appear before the learned court below and go on bail subject to stringent conditions imposed on them. Nevertheless, the Court does not find any ground to interfere with the order of cognizance as rightly considering the FIR and other materials, the court below has passed the impugned order under Annexure-1.

4. Accordingly, it is ordered.

5. In the result, the CRLMC stands dismissed with a direction to the petitioners to appear before the learned S.D.J.M., Khurda on or before 14th October, 2022 in G.R. Case No.929 of 2017 arising out of Jankia P.S. Case No.153 of 2017 and in the event of their appearance, the court below shall release them on bail with strict conditions as deemed just and proper in the facts and circumstances of the case.

6. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

Tudu