IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9113 of 2022

Pradip Kumar Panda and others .... ***Petitioners***

Mr. M. Kanungo, Sr.Advocate

-versus-

State of Odisha .... ***Opposite Party***

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
13.10.2022

Order No.

02. 1. This matter is taken up through hybrid mode.

2. Memo of appearance of learned counsel for the petitioners Mr. Kanungo is taken on record.

3. Heard Mr. Kanungo, learned senior counsel for the petitioners and learned counsel for the State.

4. The petitioners are accused in connection with G.R. Case No.1677 of 2022, pending in the Court of learned S.D.J.M., Keonjhar arising out of Nayakote P.S. Case No.71 of 2022, for alleged commission of offences under Sections 147/341/323/294/307/427/506/385/149/435 and 436 of IPC and under Section 4 of Public Property (Prevention of damage) Act, 1995 and are in custody since 03.09.2022.

5. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge (Vig), Keonjhar by order dated 15.09.2022 in the aforementioned case, the present BLAPL has been filed.

6. The submission of the learned senior counsel is that though the allegation of 307 of IPC has been made, no one is injured in the case at hand and in fact mechanically the investigating agency has registered a case under Section 307 of IPC and other allied sections.

7. It is submitted that some of co-accused persons have been released on anticipatory bail by order dated 12.09.2022 in ABLAPL No.10981 of 2022, order dated 13.09.2022 in ABLAPL No.11028 of 2022 and order dated 14.09.2022 in BLAPL No.11108 of 2022, order dated 14.09.2022 in ABLAPL No.11082 of 2022.

8. It is further submitted that since there has been substantial progress in investigation, considering the nature of allegations further continuance of the petitioners in custody is punitive.

9. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the investigation is yet to be concluded and the petitioners have one antecedent of similar nature.

10. On conspectus of materials on record and considering the release of the co-accused on anticipatory bail and taking note of the submissions of the learned senior counsel that there are no injured in the case at hand, 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.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi