

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9218 of 2022

Birsingh Sayan & Others

....

Petitioners

Mr. J. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

01.11.2022

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 connection with C.T. Case No.349 of 2022, pending in the Court of the learned S.D.J.M., Karanjia, arising out of Karanjia P.S. Case No.212 of 2022, for alleged commission of offences under Sections 447/323/324/294/307/506/34 of the IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Karanjia, by order dated 07.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that the petitioners are in custody since 02.08.2022 and charge-sheet has filed on 27.09.2022.

6. On instruction, the learned counsel for the petitioners submit that out of three injured, two have sustained simple injuries and one of the injuries suffered by the informant was grievous in nature but in the meanwhile he has been discharged from the hospital and is leading normal life, hence further continuance of the petitioners in custody, who are the first offenders, is unwarranted.

7. Learned counsel for the State does not dispute the submission relating to the injuries suffered.

8. Taking into account the nature of allegations and the recovery of the informant as stated at the bar, this Court directs the petitioners to be released on bail on such terms to be fixed by the Court in seisin over the matter.

9. While releasing the petitioners on bail the learned Court below shall verify criminal antecedent of the petitioners. If it comes to the fore that the petitioners have any criminal antecedent, this order shall stand recalled without any further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha