

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9497 of 2022

Mantu Behera & others

....

Petitioners

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

Mr. P.K. Nayak, Advocate

CORAM: JUSTICE V. NARASINGH

ORDER
15.11.2022

Order No.

- 03.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the Petitioners, learned counsel for the State and learned counsel for the Informant.
 3. The Petitioners are accused in G.R. Case No.1994 of 2022 pending on the file of learned S.D.J.M., Berhampur, arising out of Baidyanathpur P.S. Case No.291 of 2022, for commission of offence under Sections 147/148/326/324/307/506/149 IPC and Section 27 of the Arms Act.
 4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Addl. Sessions Judge, Berhampur by order dated 20.09.2022 in the aforementioned case, the present BLAPL has been filed.
 5. Learned counsel for the Petitioners submits that the overt act is attributable to one Tipu @ Sultan Behera, who is not the

Petitioner in this bail application. Hence, He seeks release of the Petitioners on bail.

6. Learned counsel for the State as well as the learned counsel for the Informant opposes the prayer for bail, inter alia, on the ground that the Petitioner No.3-Rayguru Madhei @ Raiguru @ Guru Madhei has a criminal antecedent of under Section 307 IPC.

7. Considering the same, this Court is not inclined to release Petitioner No.3-Rayguru Madhei @ Raiguru @ Guru Madhei on bail.

8. Accordingly, the prayer for bail of Petitioner No.3 stands rejected.

9. It shall be open to the Petitioner No.3 Rayguru Madhei @ Raiguru @ Guru Madhei to renew his prayer for bail after filing of the charge sheet before the learned Court in seisin over the matter and the same shall be considered on its own merit.

10. So far as prayer for bail of Petitioner Nos.1 and 2 are concerned, they are directed to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

11. Additionally, it is directed that the Petitioner Nos.1 and 2 shall appear before the jurisdictional police station of the learned Court in seisin once every week till submission of final form.

12. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS