

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8531 of 2021

Kirtan Sethy and others *Petitioners*
Mr. Sidharth Prasad Das, Advocate
-versus-
State of Odisha *Opposite Party*
Mr. Manoj Kumar Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
21.03.2022

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Learned counsel for the Petitioners does not want to press this bail application in respect of Petitioner No.1. Accordingly, the bail application in respect of Petitioner No.1 is dismissed as not pressed. This bail application is confined to Petitioner Nos.2 and 3 only.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioners for bail in connection with Parjang P.S. Case No.238 of 2021, corresponding to C.T.(Ss) Case No.77 of 2021, pending in the file of learned Addl. Sessions Judge, Kamakhyanagar, for commission of alleged offences under Sections 294/302/34 of I.P.C.
4. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.

5. The case of the prosecution, in a nutshell, is that one Sunil Ranjan Sahu alleged that on dt.20.6.2021, while Akhila Sahu (the father in law) of the informant was fencing on the back of his house, due to previous enmity regarding land dispute, accused Bhabani Sethy and her daughter Suna sethy reached there and quarreled with him. On the same day at about 2.30 PM the accused Bhabani called another accused Kirtan Sethi (her brother-in-law, Diara) over phone and both the said accused persons along with the said Suna Sethy abused Akhila Sahu in obscene language and gave kicks on his chest as a result of which he vomited blood. Thereafter, the injured was shifted to Parjang hospital and as his condition became serious, he was shifted to Mandapal, Talcher hospital and again shifted to Angul hospital. Thus being the situation, while undergoing treatment, he succumbed to his injuries on dt.21.6.2021. Accordingly, FIR was lodged and vide Parjang P.S. Case No.238 of 2021 registered u/s.294/302/34 of the Indian Penal Code, 1860.

6. Learned counsel for the Petitioners submits that Petitioners are languishing in jail custody since the date of their arrest, i.e. 03.09.2021. It is submitted that police after completion of investigation has filed charge-sheet. It is submitted that due to political rivalry, Petitioners have been implicated in the present case. Learned counsel also submits that as Petitioners are permanent residents of the locality, there

is no chance of absconding or tampering with the evidence of the prosecution.

7. Learned counsel for the State on the other hand submits that since there is direct evidence against the Petitioners for commission of the alleged offence, the bail application of the Petitioners may be rejected.

8. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner nos.2 and 3, who are ladies, this Court is inclined to release the Petitioner nos.2 and 3 on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) each with one local surety each for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- i) They shall not involve themselves in any other offence during the period of bail;
- (ii) They shall appear before the trial court on each and every date as fixed by the court;
- (iii) They shall not tamper with the prosecution evidence;
- (iv) They shall not influence or threaten any prosecution witness and cooperate in the investigation;
- (v) They shall provide their present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;

(vi) They shall not leave the jurisdiction of the court without special permission from the court; and

(vii) Violation of any of the above conditions shall entail cancellation of the bail.

9. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner nos.2 and 3 and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner nos.2 and 3 have no criminal antecedents.

10. With the above direction, the BLAPL is accordingly allowed.

11. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge