

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9968 of 2022

***Raidas @ Gulthu @ Gutlu
Bindani and another***

....

Petitioners

Mr. S. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

29.11.2022

Order No.

02.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in S.T. Case No.79 of 2022, pending on the file of learned 2nd Additional Sessions Judge, Baripada (arising out of Suliapada P.S. Case No.177 of 2021 corresponding to C.T. Case No.2499 of 2021 committed by the learned S.D.J.M., Baripada), for commission of alleged offences under Section 447/302/294/506/34 of IPC and is in custody since 23.11.2022.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Baripada by order dated 07.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is alleged that there was quarrel between the family members of the deceased and the petitioners which was settled by

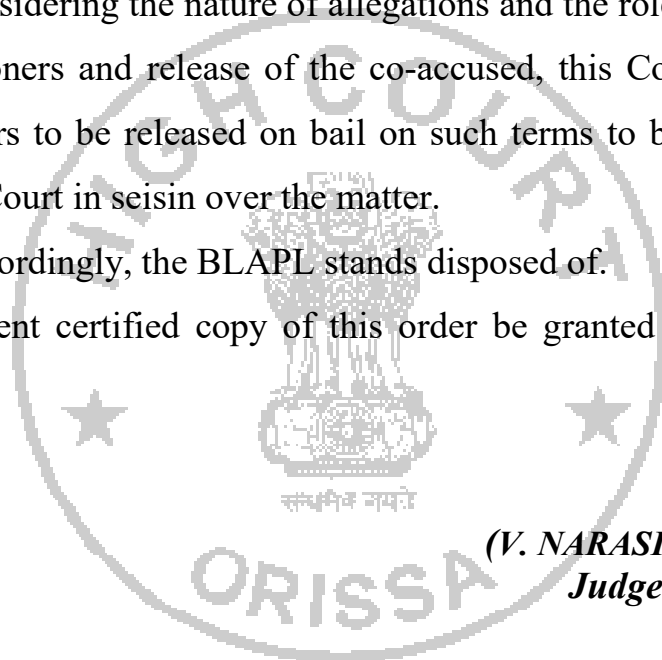
the village gentries. Thereafter the members of Bindhani family (petitioners) went to the house of the deceased and assaulted him.

5. Learned counsel for the petitioner submits that no specific overt act is attributed to the petitioners and it is submitted that two of the co-accused persons have since been released on bail by this Court by order dated 12.04.2022 and 29.09.2022 in BLPAL Bo.2427 and 4454 of 2022. Hence on the ground of parity, the petitioners seek release.

6. Considering the nature of allegations and the roles ascribed to the petitioners and release of the co-accused, 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.

7. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Santoshi