

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9024 of 2021

Sanatan Jena and others *Petitioners*
Mr.Ajit Kumar Raut, Advocate
-versus-
State of Odisha *Opposite Party*
Mr. Manoj Kumar Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
08.04.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioners and learned counsel for the State.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioners for bail in connection with Nandipada P.S. Case No.88 of 2021, corresponding to G.R. Case No.102 of 2021, pending in the file of learned J.M.F.C., Hatadihi, for commission of alleged offences under Sections 147/148/294 /323/325/307/302/506/149 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 on 15.06.2021 in the evening at 7.00 P.M., the informant, namely,

Duryodhan Patra along with others formed an unlawful assembly being armed with bamboo, lathi, arrived at the spot and abused in filthy languages and assaulted one Daitari, Ashok and Sasmita Patra, for which, they sustained bleeding injury. On the basis of such allegations, the informant lodged the FIR vide Nandipada P.S. Case No.88 of 2021 with the above offences.

6. Learned counsel for the Petitioners submits that Petitioners are languishing in jail custody since the date of their arrest, i.e. 08.09.2021. It is submitted that police after completion of investigation has filed charge-sheet. The Petitioners claimed that they have no criminal antecedents of similar nature. Both Petitioners and informant are belonging to same village. Due to family dispute between them, the incident has happened. Since Petitioners belong to the local area, there is no chance of evading the trial of the case, in the event of their release and cooperate in the trial. It is further submitted that the co-accused persons, namely, Ananda Jena, Gopinath Jena, Musa @ Sushant Jena and Bhagirathi @ Bhagaban Jena and Sahadev Jena have been released on bail by this Hon'ble Court in BLAPL Nos. 5615 of 2021 and 6513 of 2021 vide order dated 21.12.2021. Accordingly, learned counsel for the Petitioners urges for bail of the present Petitioners.

7. Learned counsel for the State vehemently objects the prayer for bail of the Petitioners. It is submitted that no leniency should be shown to the present Petitioners, who are involved in

serious crime. Accordingly, he urges for rejection of the bail application of the Petitioners.

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 Petitioners, this Court is inclined to release the Petitioners on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) each with one local surety for the like amount each to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- (i) They shall appear before the trial court on each and every date as fixed by the court;
- (iii) They shall appear before the I.O. on every Sunday at 10 A.M. to 1.00 P.M. and report to the police;
- (iv) They shall not tamper with the prosecution evidence;
- (v) They shall not influence or threaten any prosecution witness and cooperate in the investigation;
- (vi) They shall provide their present address and mobile numbers to the I.O. and if any changes therein shall also be intimated to the I.O.;
- (vii) They shall not leave the jurisdiction of the court without special permission from the court; and
- (viii) 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 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 Petitioners 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

U.K.Sahoo

