

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10421 of 2022

Sudhir Ghasi & Others

....

Petitioners

Mr. S.S. Ray-2, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.12.2022

Order No.

04.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in G.R. Case No.1462 of 2022, pending in the Court of the learned S.D.J.M., (Sadar) Sundargarh, arising out of Sundargarh Town P.S. Case No.324 of 2022, for commission of alleged offences under Sections 307/34 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Special Judge, Sundargarh, by order dated 17.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioners are in custody since 10.09.2022 and since investigation has progressed substantially and that the victim has recovered in the meanwhile, further continuance of the petitioners in custody is unwarranted.
5. Learned counsel for the petitioners further submits that this Court by order dated 21.12.2022 have released co-accused Pratham

Sindria @ Ghasi and Pradum Ghasi and as the petitioners are similarly circumstanced, their case may be favourably considered.

6. The statement of the injured Manjit Chulia is placed on record, from which it is evident that the petitioners are similarly circumstanced with the other co-accused, who are since been released on bail, since it is the allegation of the injured that the co-accused since released along with petitioners, assaulted him.

7. On instructions, learned counsel for the petitioners submits that the victim has recovered and is leading a normal life.

8. Learned counsel for the State opposes the prayer for bail during the currency of investigation.

9. Considering the release of the co-accused and the wellbeing of the injured as stated, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

10. Before releasing the petitioners, learned Court in seisin shall verify assertion regarding the criminal antecedents of similar nature. If it comes to the fore that the petitioners have such criminal antecedent, this order shall stand recalled.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha