

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 942 of 2022

*Jogendra
Padhan@Jugen@Jogen*

....

Appellant

Mr. B.B. Routray, Advocate

-Versus -

State of Odisha and another

....

Respondents

*Mr. P. Tripathy,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

02.12.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the appellant and learned counsel for the State.
3. The appellant is in custody in connection with Baragah Sadar P.S. Case No. 239 of 2022 corresponding to C.T. (Special) Case No. 59 of 2022 pending in the court of learned Sessions Judge-cum-Special Judge, Bargarh for the alleged commission of offence under Sections 147/148/323/307/354/506/302/149 of IPC read with Sections 3(1)(r)(s)3(2)(va) of the SC & ST (PoA) Act.
4. It is alleged that the appellant and several other persons assaulted the informant-husband, namely, Kailash Meher and also his nephew, Gajanana Meher and Kailash Meher causing bleeding injuries on the persons. While Kailash Meher died the other witnesses sustained grievous injuries. It appears that the incident arose out of a quarrel between the accused persons and the informant and his relations, in course of which, a scuffle ensued and the accused persons collectively assaulted them. The deceased-Kailash Meher died 9 days after the

occurrence. It is submitted that in so far as the present appellant is concerned there is no evidence at all to show that he had assaulted the deceased. The other allegations against him are omnibus in nature. Perusal of the case record reveals that one Sameer Bhue assaulted the deceased by means of a wooden plunk causing injury on his head due to which, he subsequently died. The appellant was not named in the FIR but was arrested after death of the deceased. The allegations against him relate to assault of the other injured persons. However, no specific overt act has been attributed to him except for indicating his presence at the spot along with the group.

5. Taking into consideration all the above facts, I am inclined to allow the prayer for bail.

6. Let the appellant be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose.

7. The CRLA is accordingly disposed of.

(Sashikanta Mishra)
Judge