

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9466 of 2021

Satyabrata Pani & others

....
Mr.T.P.Mohapatra, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. S.S.Mohapatra, ASC

Opposite Party

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
12.01.2022

1. This matter is taken up by video conferencing mode.
2. Heard learned counsel for the petitioner, namely, Muna Pani and learned counsel for the State.
3. The plea of the bail in respect of the petitioner No.1 namely, Satyabrata Pani is not pressed by the learned counsel appearing for him.
4. This is an application under Section 439 Cr.P.C. for grant of bail to the petitioner in connection with Puri Sadar P.S. Case No. 302 of 2021 corresponding to G.R. Case No. 2498 of 2021 pending in the Court of learned Nyayadhikari Gram Nyayalaya, Puri on the grounds stated therein.
5. Perused the F.I.R. and the impugned order dated 07.10.2021 as at Annexure-2.
6. Gone through the contents of the F.I.R.

7. Learned counsel for the petitioner submits that there was an accident of motorcycles, where after, the accused persons alleged to have assaulted the victims and caused them the injuries and fairly admitted that one of the injuries on the head of the victim, namely, Biswaranjan Jena to be grievous in nature but then considering the circumstances under which the alleged occurrence took place and the fact that in the meantime, charge sheet stands filed, the accused, who has remained in custody since the date of arrest, should be enlarged on bail with any conditions.

8. Learned counsel for the State, on the other hand, admits the fact that there was an accident prior to the incident but then submitted that the assault was carried out some time later and the named accused persons attacked the victims and others and committed the alleged overt acts. The fact of an accident is in fact revealed from the F.I.R. It is made to understand that after the accident of motorcycles, the accused persons attacked the victims and assaulted them and caused bleeding injuries. It is claimed in the F.I.R. that 10 to 15 persons including the petitioner and others being armed with deadly weapons attacked the nephew of the informant and others. Admittedly, the victims received multiple injuries which has been brought to the attention of this Court by the learned counsel for the State. It is also submitted that one of the victims received grievous head injury and he was hospitalized and was an under treatment as an indoor patient for some days and thereafter, was discharged. The statement of the said victim, as is informed by the learned counsel for the State, could not be recorded since he was unconscious and in the hospital for treatment. However, it is made to understand that the injured, who received the grievous head injury has been discharged.

9. Regard being had to the circumstances leading to the alleged assault which happened later to an accident of motorcycles and the fact that around 10 to 15 persons participated in the incident and taking into account the fact that the injured persons are out of danger and one of them who received grievous injury was discharged in the meantime, the Court is of the considered view that the petitioner, who is in judicial custody for quite some time, should be allowed to go on bail with conditions and accordingly, it is ordered.

10. In the result, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below, who shall impose such other terms and conditions, as deemed just and proper, in the facts and circumstances of the case.

11. ★ The BLAPL is accordingly disposed of. ★

12. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No. 4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 5143 and 515 dated 7th January, 2022.

(R.K.Pattanaik)
Judge