

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9568 of 2021

Bharat Bhainsal & another

.... Petitioners
Mr.S.K.Joshi, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr. S.N.Das, ASC

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
10.01.2022

1. This matter is taken up by video conferencing 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. for grant of bail to the petitioners in connection with Khaprakhol P.S. Case No. 09 of 2021 corresponding to G.R. Case No. 31 of 2012 pending in the Court of learned S.D.J.M., Patnagarh on the grounds stated therein.
4. Perused the F.I.R. at Annexure-1, a copy of the charge sheet at Annexure-2 besides the impugned order dated 23.10.2021 under Annexure-3.
5. Gone through the contents of the F.I.R. which has been lodged by an officer of the Fire Station, Patnagarh alleging therein that the incident happened on 22.01.2012 during which around 200 to 250 members of a mob attacked him and other officials, who has been to the spot to douse the fire and were attacked as they pelted stones at them as a result

of which some of the staff named therein suffered injuries and further alleged that the mob did not allow them to extinguish fire and also took away a pump set. In that connection, the F.I.R. was lodged and subsequently, charge sheet was filed showing the petitioners as absconders.

6. Learned counsel for the petitioners submits that for the alleged incident, F.I.R. and counter F.I.R. has been lodged by both the sides besides the present one, which has been at the instance of the informant, a Fire Officer alleging that members of the mob did not allow them to discharge their duty to extinguish fire as some of the houses had been gutted to fire at the instance of the mob but then the accused persons were arrested subsequent to the filing of the charge sheet showing them as absconders and considering the period of detention since 20th September, 2021, they should be enlarged on bail which is objected to by the learned counsel for the State.

7. It is an incident of the year, 2012, during which, as it seems, members of both sides committed mischief for which counter F.I.Rs. stated to have been lodged and during incident, some houses were set to blaze for which the informant and other officials had been there to extinguish it and at that point of time, the alleged mischief was committed. The petitioners are claimed to be the local inhabitants. It is also claimed by the learned counsel for the petitioners that the accused persons did not abscond and remain in their village which is situated in the district of Bolangir. The charge sheet was filed in the year 2014 by showing around 50 odd accused persons as absconders including the petitioners.

8. Having regard to the above facts and submissions made and taking into account the period of detention and involvement of large number of men during the alleged incident, the Court is of the considered view that no purpose would be served by detaining accused persons in judicial custody for an occurrence of 2012, they should be enlarged on bail with any conditions and accordingly, it is ordered.

9. In the result, it is directed that the petitioners be released on bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with one local solvent surety for the like amount each to the satisfaction of the learned court below, who shall impose such other conditions, as deemed just and proper, in the facts and circumstances of the case.

10. The BLAPL is accordingly disposed of.

11. 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.

(R.K.Pattanaik)
Judge