

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9610 of 2021

Chikun Dash

....
Mr.S.P.Mohanty, Advocate

Petitioner

-Versus-

State of Odisha

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

Opposite Party

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
11.01.2022

1. This matter is taken up by video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. ★ This is an application under Section 439 Cr.P.C. for grant of bail to the petitioner in connection with Kakatpur P.S. Case No. 235 of 2021 corresponding to G.R. Case No. 951 of 2021 registered offence under Section(s) 341/294/323/324/354/354-B/379/506/307/34 of IPC pending in the Court of learned J.M.F.C., Nimapara on the grounds stated therein.
4. Perused the F.I.R. as at Annexure-1 besides the impugned order dated 27.10.2021 under Annexure-2.
5. Gone through the contents of the F.I.R.
6. Learned counsel for the petitioner submits that the alleged incident is outcome of civil dispute between the parties and so far as the other accused persons are concerned have

been granted interim protection by this Court in ABLAPL No. 13497 of 2021 vide order dated 08.11.2021. Considering which and also period of detention vis-à-vis the present accused, he should be enlarged on bail with any conditions.

7. Learned counsel for the State submits that the petitioner is in fact misbehaved the informant and while she was returning from P.S. all the accused persons joined and assaulted her. But fairly admitted that there is no specific role being attributed with regard to the alleged assault.

8. The circumstances under which the alleged occurrence took place stands described in the F.I.R. as per informant, the accused persons restrained and then abused in filthy language and thereafter, assaulted her by means of an iron rod causing bleeding injuries.

9. ★ Learned counsel for the State on being asked informed this Court that the injuries on portion of the informant during the alleged incident are simple in nature. As mentioned by the learned counsel for the petitioner that the other accused persons are on pre-arrest bail granted by this Court by order dated 08.11.2021 in ABLAPL No. 13497 of 2021 it seems that on account of civil dispute the accused persons allegedly committed the overt acts and assaulted the informant-victim, however, received injuries are simple in nature. The occurrence is in the month of October, 2021, the petitioner has remained in judicial custody since 02.10.2021.

10. Considering the above facts and circumstances leading to the alleged assault to the victim and also the period of detention vis-à-vis the petitioner and taking into account the

fact that all other accused persons are on pre-arrest bail by the orders of this Court, the Court is of the considered view that the petitioner should be enlarged on bail with any conditions and accordingly, it is ordered.

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

12. The BLAPL is accordingly disposed of.

13. 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