

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL Nos.9967 & 9998 of 2021

1.Balmika Rout

2.Bipini Rout

.... Petitioners

Mr.S.K.Dwibedi, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.Sk.Zafrulla, ASC

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
3.2.2022**

Order No.

2.
 1. These matters are taken up by video conferencing mode.
 2. Heard Mr.Dwibedi, learned counsel for the Petitioners and Mr.Zafrulla, learned Additional Standing Counsel for the State.
 3. Both these applications are under Section 439 Cr.P.C. for grant of bail to the Petitioners in connection with G.R.Case No.555 of 2020 arising out of Belpada P.S.Case No.149 of 2020 pending in the court of the learned Additional Sessions Judge, Patnagarh for alleged commission of offence under Sections 147/148/302/307/149/148 of the I.P.C.
 4. This is a case of double murder.
 5. It is submitted that both the Petitioners are inside custody since 16.7.2020. It is further submitted that the circumstances of

the case reveal free fight between two groups where Petitioner-Balmika and other members of his group also received grievous injuries. So far as the allegations against the Petitioners with regard to the role played by them is concerned, as per the statement of eyewitnesses, these two Petitioners allegedly assaulted one Kailash by means of a stick who sustained simple injuries only.

6. Having heard Mr.Zafrulla, learned Additional Standing Counsel for the State and considering the statement of the eyewitnesses, which do not say about any specific assault by the present Petitioners on the deceased and considering their period of detention inside the custody as well as surrounding circumstances of the case, it is directed that the Petitioners be released on bail in the aforesaid case on such terms and conditions to be fixed by the learned court below in seisin over the matter including the condition that they shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the court or tamper with the evidence, and shall attend the trial court on the date fixed.

7. The bail applications are disposed of.

8. 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, modified by Notice No.4798, dated 15th

April,2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January,2022.

(B.P. Routray)
Judge

CRBiswal

