

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11076 of 2022

***Budu @ Ganesh Panigrahy &
Another***

Petitioners

Mr. S.K. Mahanty, Advocate

-versus-

State of Orissa

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
08.12.2022**

Order No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in connection with G.R. Case No.342 of 2022, pending in the Court of the learned Nyayadhikari, Gramanyayalaya-cum-J.M.F.C., Sanakhemundi, arising out of Pattapur P.S. Case No.349 of 2022, for alleged commission of offences under Sections 294/323/325/307/506/34 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Berhampur, by order dated 02.11.2022 in the aforementioned case, the present BLAPL has been filed.
4. Perused the order of rejection.
5. Learned counsel that the petitioners places on record the MCP Card and report of the Diagnostic Centre to indicate that the wife of the petitioner No.1 is in the family way and expected date of

delivery was 03.12.2022. Hence, seeks release on humanitarian grounds.

6. Learned counsel for the State does not dispute the plea as advanced but submits that keeping in view the manner in which the assault was effected, the petitioners ought not to be released on bail at this stage.

7. Considering the health condition of the wife of the petitioner No.1 and that the petitioner No.2 is his brother, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Learned counsel for the petitioners files a memo indicating therein that the petitioners do not have any criminal antecedent.

9. Before releasing the petitioners, learned Court in seisin shall verify assertion regarding the criminal antecedents of similar nature. If it comes to the fore that the petitioners have such criminal antecedent, this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha