

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11133 of 2022

***Jayaram Dalai @ Jayaram
Dalei and another***

....

Petitioners

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
14.12.2022**

Order No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in G.R. Case No.792 of 2022, pending in the file of learned J.M.F.C., Khallikote, arising out of Khallikote P.S. Case No.334 of 2022, for commission of alleged offences under Sections 307/506/294/120-B/34 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Khallikote, Dist-Ganjam by order dated 27.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the co-accused have since been released on bail by this Court by order dated 27.09.2022 in BLAPL No.7514 of 2022 and since the petitioners are similar circumstanced they may be released on bail.
5. On going through the order referred to above, it is seen that it was noted that overt act is attributed to one Suraj Dalei, who is not the petitioner before this Court.

6. Learned counsel for the State basing on the materials on record submits that the Petitioner No.1 is the father of the said Suraj Dalei and Petitioner No.2 is the brother of the Suraj to whom the gunshot injuries is attributed and keeping in view the active role played by the petitioners, they ought not to be released on bail.

7. Considering age of the petitioner No.2 and that the overt act is specifically attributed to one Suraj Dalei notwithstanding the role attributed to the petitioner No.1, this Court directs the petitioners to be released on bail since the charge sheet has already been filed. Terms to be fixed by the learned Court in seisin.

8. Since the learned counsel for the petitioners is not in a position to appraise this Court regarding the criminal antecedents of the petitioners, learned Court before releasing shall verify the assertion regarding their criminal antecedent. If it comes to the fore that petitioners have any criminal antecedents of similar nature, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge