

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11238 of 2022

Ratnakar Das

.... Petitioner

Mr.U.R. Jena, Advocate

-versus-

State of Odisha

.... Opp.Party

*Mrs. Susamarani Sahoo
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
19.12.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Damara P.S. Case No.50 of 2022 corresponding to G.R. Case No. 287 of 2022 pending in the Court of learned J.M.F.C., Chandabali for offences punishable under sections 147/148/325/307/379/294/ 506/149 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of Sessions Judge, Bhadak, which was rejected on 29.09.2022.

Learned counsel for the petitioner submitted that the

petitioner is in judicial custody since 02.04.2022 and charge sheet has already been submitted, inter alia, for offence under section 302 of the Indian Penal Code. It is further submitted that in the F.I.R. lodged by one Ramesh Das, it is mentioned that it is the co-accused Chagalu Lenka, who assaulted on the head of the deceased Pabitra @ Jada Das by means of an iron rod as a result of which he sustained bleeding injuries and thereafter, he was first shifted to Bhadrak District Headquarters Hospital and thereafter to S.C.B. Medical College and Hospital, Cuttack and further the injured in this case is one Bapi @ Rajaram Das, who has stated that the co-accused Ramesh Das assaulted the deceased with a lathi on his head, as a result of which the deceased sustained head injury. Learned counsel further submitted that the post mortem report indicates that the deceased had sustained two injuries on the head, one is an abrasion and the other is a lacerated wound and the cause of death was on account of the head injury, which has been opined to be ante mortem in nature and the same could have been caused by hard and blunt object. It is further submitted that it is a case and counter case and since as per the post mortem report findings as well as statements of the eye witnesses, it is either the co-accused Chagalu Lenka or Pabitra Das, who assaulted the deceased on the head, which resulted in his death and no specific overt act is alleged against the petitioner, therefore, the bail application may be favourably considered. Learned counsel has produced the statements of the witnesses after serving copies of the same on the learned counsel for the State, which are taken on

record.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the background of the case and since the main accusation is leveled against the co-accused persons, taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper including the conditions that the petitioner shall appear before the learned trial Court on each date to which the case is posted for trial and shall not try to tamper with the prosecution evidence. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo

