

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11339 of 2022

Banmali Kumbhar* *Petitioner

Mr. S.K. Dwibedi, Advocate

-versus-

State of Odisha* *Opp. Party

Mr. Arupananda Das

Addl. Government Advocate

**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 Belpada P.S. Case No.159 of 2021 corresponding to G.R. Case No. 605 of 2021 pending in the Court of learned S.D.J.M., Patnagarh for offences punishable under sections 307/379/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of Addl. Sessions Judge, Patnagarh, which was rejected on 05.11.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 05.11.2022 and there are two injured persons in the case, out of which one Rajendra Kumbhar has sustained grievous injuries, however, he is now quite hale and hearty and attending his ordinary pursuits and the allegations of assault are omnibus in nature and therefore, the bail application may be favourably considered.

Learned counsel for the State has produced the case diary and placed the statements of two injured persons so also the injury reports and submitted that the petitioner is having three criminal antecedents.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the injury report submitted by the learned counsel for the petitioner and 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 a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court below may deem just and proper including the conditions that the petitioner shall appear before the Inspector in-charge of Belpada police station

once in a week in between 10.00 a.m. to 4.00 p.m. till submission of charge sheet, shall not indulged in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

PKSahoo

