

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10305 of 2021

Kulu@Rashmiranjan Gochhayat Petitioner

Mr. C.R. Satapathy, Advocate

-Versus-

State of Odisha Opposite Party

Mr. P.K. Muduli, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
08.04.2022

Order
No.

- 03.
1. This is an application under Section 439 of Cr.P.C for grant of bail to the petitioner in connection with Athagarh P.S. Case No.196 of 2021 corresponding to C.T. Case No.397 of 2021 pending in the file of learned S.D.J.M., Athagarh registered under Section(s) 341, 385, 294, 323, 325, 307, 354, 506 read with 34 IPC besides under Section(s) 25 and 27 of the Arms Act on the grounds stated therein.
 2. Heard learned counsel for the petitioner and learned counsel for the State.
 3. Gone through the contents of the FIR i.e. Annexure-1 and other connected documents including a copy of the medical examination report vis-a-vis the victim which is as at Annexure-2.
 4. Learned counsel for the petitioner submits that the accused was granted interim bail by Court's order dated 15th December, 2021 in I.A. No.1259 of 2021 but presently, in jail custody. It is further submitted that out of political rivalry, the petitioner has been falsely implicated and considering the fact that he is in judicial

custody and that apart, in view of the injury on the person of the victim to be simple in nature, he should be enlarged on bail with any conditions.

5. Mr. P.K. Muduli, learned AGA, on the other hand, submits that the petitioner has criminal antecedents as he is involved in, as many as eight cases, which is revealed from the forwarding report dated 28th September, 2021 and considering the same, bail should not be granted to him.

6. In response, learned counsel for the petitioner submits that the accused is on bail in all the above cases and therefore, he should be enlarged on bail particularly having regard to the fact that the victim only received a single injury of simple in nature.

7. It is also brought to the notice of the Court by learned counsel for petitioner that in the meantime, the investigation has been concluded and charge sheet filed.

8. Having regard to the above facts and submissions made by the learned counsel appearing for the parties and recording the submission that the accused is on bail in all the cases pending against him and that other accused persons have already been granted pre-arrest bail and taking into account that only a single injury which is also simple in nature has been received although on the head, this Court is of the humble opinion that considering the period of detention, the petitioner, who is in custody since 25th September, 2021, should be granted bail.

9. Accordingly, it is ordered.

10. In the result, the petitioner is directed to be released on bail on furnishing a bail bond of Rs.40,000/-(rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the

learned court below in seisin over the matter, who shall impose such other conditions, as deemed just and proper, in the facts and circumstances.

11. The BLAPL is disposed of.
12. Urgent certified copy of the order be granted as per rules.

(R.K. Pattanaik)
Judge

