

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10412 OF 2021

Azad Kumar Nayak & Five Others ***Petitioners***
Mr.D.P. Dhal, Sr.Advocate

-versus-

State of Odisha ***Opposite Party***
Mr.Karunakar Das, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
21.01.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. The Petitioners being in custody in connection with Khajuripada P.S. Case No.70 of 2021 corresponding to C.T. Case No.287 of 2021 on the file of learned S.D.J.M., Phulbani running for commission of offence under section 147/148/341/323/506/396/302/149 of the IPC, have filed this application under section 439 of the Cr.P.C. for their release on bail in the above mentioned case.
3. Heard learned counsel for the Petitioners and learned counsel for the State.
4. Taking into account the submissions made; further keeping in view the materials on records as also by merely present at the time of the incident without paying any such active role by these Petitioners at the time of incident in the direction causing the fatal injury upon the deceased with other surrounding circumstances including the period of detention of

the Petitioners in custody and on going through the order passed by the learned Additional District & Sessions Judge-cum-Special Judge (Vigilance); in the absence of any such impediment; it is directed that the Petitioners be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that the Petitioners will appear in person before the Court in seisin of the case on each and every date of posting of the case till conclusion of the trial; and will not threaten or terrorize the prosecution witnesses in any manner.

5. The BLAPL is accordingly disposed of.

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned Counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 as modified by Court's Notice No.4798 dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

**(D.Dash),
Judge.**

Narayan