

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11484 of 2022

Prasanna Kumar Swain and Others Petitioners
Mr. Pranaya Kumar Dash, Advocate

-Versus-

State of Odisha Opposite Party
Mr. Sitikanta Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
19.12.2022

Order No.

01. 1. Heard Mr. P.K. Dash, learned counsel for the petitioners and Mr. S. Mishra, ASC for the State.
2. Instant petition under Section 439 Cr.P.C. is filed by the petitioners for release on bail in connection with G.R. Case No.724 of 2022 arising out of Balanga P.S. Case No.134 of 2022 pending in the file of learned J.M.F.C., Nimapara.
3. Perused the copy of the FIR as at Annexure-1 which reveals that on the report of the informant, Balanga P.S. Case No.134 of 2022 was registered under Sections 294 IPC along with other allied offences besides Section 25 of the Arms Act, 1959.
4. Learned counsel for the petitioners submits that some of the co-accused persons have been granted bail by this Court in ABLAPL No.9769 of 2022 and so far as the petitioners are concerned, who are similarly situated like the co-accused on bail and considering the fact that petitioners are in jail custody since 11th November, 2022, all

of them should be released on bail subject to conditions. It is also claimed that parties have dispute and previous enmity for which the alleged occurrence took place

5. Mr. Sitikanta Mishra, learned Additional Standing Counsel for the State submits that petitioner No.1 and another accused did the mischief in presence of others and fairly concedes that the statement of the witnesses recorded under Section 161 Cr.P.C. during investigation and dispute about any such mischief committed by the petitioner and other co-accused persons. On perusal of Annexure-2, the Court finds that some of the co-accused persons are already on bail vide ABLAPL No.9769 of 2022 and one more criminal case with lesser offence is pending against the petitioners as informed to this Court by Mr. Mishra.

6. Considering the above submissions of the respective parties, the fact that the petitioners are in jail custody for nearly a month, the Court is of the view that the petitioners should be released on bail subject to conditions. Accordingly, it is ordered.

7. In the result, BLAPL stands allowed. Consequently, it is directed that the petitioners be released on bail in connection with G.R. Case No.724 of 2022 arising out of Balanga P.S. Case No.134 of 2022 on furnishing bail bonds of Rs.25,000/- each with one solvent surety for the like amount each to the satisfaction of the learned the learned J.M.F.C., Nimapara, who shall impose such other conditions as deemed just and proper in the facts and circumstances of the case besides a condition that they shall terrorize or cause any harm to the informant, while on bail.

8. Issue urgent certified copy of this order as per rule.

(R.K. Pattanaik)
Judge