

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL NO.10600 OF 2021**

***Nirmalya Behera & Another***

.... ***Petitioners***  
Mr. P.K. Jena, Advocate

*-versus-*

***State of Odisha***

.... ***Opposite Party***  
Mr. Karunakar Das, ASC.

**CORAM:  
MR. JUSTICE D.DASH**

**ORDER  
24.01.2022**

**Order No.**

05. 1. This matter is taken up by video conferencing mode.
2. This is the second journey of the Petitioners, who are in custody in connection with Khantapada P.S. Case No.179 of 2021 corresponding to C.T. Case No.546 of 2021 pending on the file of learned J.M.F.C.(R), Balasore running for the alleged commission of offence under section 302/212/34 of the IPC, in filing this application under section 439, 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.
5. Considering the submissions made and on going through the materials as placed; further keeping in view the materials on records with other surrounding circumstances including the factum of grant of bail to the co-accused persons similarly situated with these Petitioners as also the period of detention of the Petitioners in custody and on going through the

order passed by the learned Sessions Judge and in the absence of any such impediment; while being inclined to reconsider the prayer for grant of bail to the Petitioners, 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 that they 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; will not indulge themselves indulge in criminal activities in the days to come; will not influence and threaten or terrorize the prosecution witnesses in any manner.

It is made clear that in the event the above conditions are violated by the Petitioners, it would be open for the prosecution to move for cancellation of the bail.

6. The BLAPL is accordingly disposed of.

7. 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 25<sup>th</sup> March, 2020 as modified by Court's Notice No. 4798 dated 15<sup>th</sup> April, 2021 and Court's Office order circulated vide Memo No.514 and 515 dated 7<sup>th</sup> January, 2022.

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