

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10858 of 2021

Situ@Sidhara Matia

....

Petitioner

Mr. Bharat Jalli, Advocate

-Versus -

State of Odisha

Opposite Party

....

*Mr. P.K. Maharaj,
Addl. Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

10.02.2022

Order No.
2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioners are in custody since 11.11.2021 in connection with Badamba P.S. Case No. 71 of 2021 corresponding to G.R. Case No. 69(A) of 2021 pending in the court of learned J.M.F.C., Badamba for the alleged commission of offence under Sections 147/148/323/324/326/307/302/506/149 of IPC and 25/27 of Arms Act read with Section 3 of the Explosive Substances Act.
4. The prosecution case is that on the date of occurrence there was a fight between two groups of villagers, in course of which two persons sustained fatal injuries and eleven others sustained minor to serious injuries. The said two persons succumbed to the injuries subsequently.
5. It is submitted by learned counsel for the petitioner that no

overt act has been attributed to the present petitioner and he has been implicated only on the statement of some witnesses to the effect that he was a part of the group that assaulted the deceased as well as the injuries persons.

6. It is further submitted that similarly placed co-accused persons have already been released on bail as per orders passed by this Court in BLAPL No. 5288 of 2021 and BLAPL No. 6101 of 2021.

7. Learned Additional Standing Counsel for the State Submits that the petitioner was a part of the group that had assaulted the deceased and the injured persons being armed with deadly weapons such as, gun, lathi, stone etc..

8. Considering the submissions as above, the materials on record and the fact that charge sheet has already been submitted in the case coupled with the fact that several co-accused persons have already been released on bail, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial court on each date of posting of the case without fail.

9. The BLAPL is accordingly disposed of.

10. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

B.C. Tudu

