

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11237 of 2021

Hrushikesh Behera

....

Petitioner

***Mr. D.P. Dhal, Senior
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 petitioner is in custody since 15.06.2021 in connection with Padampur P.S. Case No. 226 of 2020 corresponding to C.T. Case No. 49 of 2021 pending in the court of learned Additional Sessions Judge, Padmapur for the alleged commission of offence under Sections 147/148/307/302/323/325/326/149 of the IPC.
4. The allegation is that he along with some other persons formed an unlawful assembly and brutally assaulted the deceased by means of axe and other weapons.
5. It is submitted by Mr. Dhal, learned Senior Counsel for the petitioner that the allegations are entirely false as the petitioner is an old man aged about 76 years. It further submitted that even otherwise no specific overt act has been attributed to him and

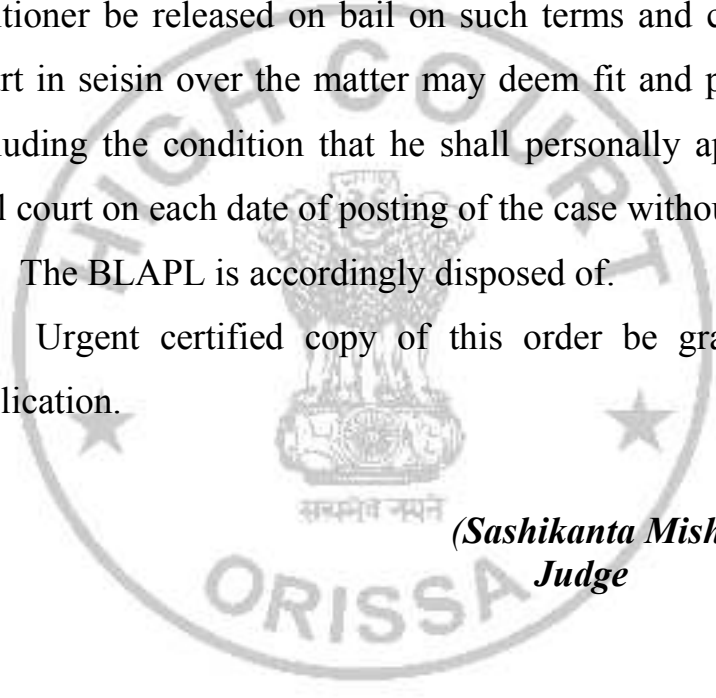
further, one of the co-accused persons, namely, Prafulla Behera, who is alleged to have assaulted the deceased has already been granted bail by this Court in BLAPL No. 9187 of 2020.

6. Learned Additional Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that as the petitioner was part of the unlawful assembly he becomes equally liable for the offence.

7. Considering the submissions, the period of detention already undergone and the fact that the co-accused has 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.

8. The BLAPL is accordingly disposed of.

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

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, with the motto 'सत्यमेव जयते' (Satyameva Jayate) in Devanagari script below it. The word 'ORISSA' is written in large, bold, capital letters at the bottom. Two five-pointed stars are positioned on either side of the central emblem. The words 'HIGH COURT' are partially visible at the top of the circle.
(*Sashikanta Mishra*)
Judge

B.C. Tudu