IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9226 of 2024

Balaram Rana @ Balia .... Petitioner
Mr. R.N.Rout, Advocate

-Versus-

State of Odisha .... Opposite Party
Mr. P.K.Mohanty, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
10.12.2024

Order No.

02. 1. Heard Mr. Rout, learned counsel for the petitioner and Mr. Mohanty, learned ASC for the State.

2. Instant petition under Section 439 Cr.P.C. is filed for release of the petitioner on bail in connection with C.T. Case No.403 of 2024 pending in the file of learned J.M.F.C. (Cog. Taking), Baripada corresponding to Jharpokharia P.S. Case No.95 of 2024 on the grounds stated therein.

3. Mr. Rout, learned counsel for the petitioner submits that the co-accused is on bail by the Court's order in BLAPL No. 9486 of 2024 and in so far as the alleged incident is concerned, the accused persons assaulted the deceased by means of fist blows preceded by a fight ensued between them, considering which, the petitioner, who is similarly placed, should be allowed to go on bail extending parity.

4. Mr. Mohanty, learned ASC for the State, however, objects to the release of the petitioner on bail considering the gravity of the allegations made in the FIR and his involvement in the alleged occurrence and refers to the P.M. report.

5. A copy of the order dated 5th December, 2024 in BLAPL No. 9486 of 2024 is produced in Court today by Mr. Rout, learned counsel for the petitioner and the same is perused.

6. Gone through the contents of the F.I.R. as at Annexure-1. It appears that a fight had taken place between both the sides, during which, the petitioner and the co-accused said to have assaulted the victim by means of fist blows. The cause of death has been reserved as per the P.M. report, however, opinion furnished therein suggests that the injury to be ante mortem in nature and could have been caused by a hard blunt impact. It is not revealed from the F.I.R that the accused persons used any weapon to cause the assault. The assault, as has been made to reveal from Annexure-1, to have been administered by fist blows. Considering the circumstances under which the incident happened and involvement of the petitioner since the same does not appear to be a pre-planned assault, the Court is of the view that in view of the co-accused being released on bail in BLAPL No.9486 of 2024, parity should be extended to the petitioner.

7. Accordingly, it is ordered.

8. In the result, petition under Section 439 Cr.P.C. stands allowed. Consequently, the petitioner is directed to be released on bail in connection with C.T. Case No.403 of 2024 corresponding to Jharpokharia P.S. Case No.95 of 2024 subject to him furnishing a bail bond of Rs.40,000/-(rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the learned J.M.F.C.(Cog. Taking), Baripada, who shall be at liberty to impose such other suitable conditions as deemed just and proper in the facts and circumstances of the case with an additional condition that he

shall not terrorize the informant and influence other material witnesses, in any manner, whatsoever, while on bail.

9. The BLAPL is disposed of.

10. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

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Signature Not Verified
Digitally Signed
Signed by: KABITARANI MAJHI
Reason: Authentication
Location: OHC, CUTTACK
Date: 11-Dec-2024 15:28:10