IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9690 of 2024

Trinath Nath and another .... Petitioner

Mr. P.K. Mishra, Advocate

-Versus-

State of Odisha .... Opposite Party

Mr. P.K. Ray, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. 06.12.2024

02. 1. Heard Mr. Mishra, learned counsel for the petitioner and State.

2. Instant petition under Section 439 Cr.P.C. is filed for release of the petitioners on bail in connection with G.R. No.400 of 2024 pending in the file of learned J.M.F.C., Parjang arising out of Parjang P.S. Case No.279 on the grounds stated.

3. Mr. Mishra, learned counsel for the petitioners submits that request for bail in respect of petitioner No.1 is not pressed, hence, the same should be disposed of with a liberty granted to him to renew the same after the charge is framed. It is further submitted that in so far as petitioner No.2 is concerned, she is not the assailant, whereas, petitioner No.1 said to have caused the blows to the deceased, to which the latter succumbed. It is claimed by Mr. Mishra, learned counsel that the injuries have not been caused by any sharp cut object, which is revealed from the P.M. report, inasmuch as, petitioner No.1 used a Thenga during the incident. It is

at last submitted that considering the release of the co-accused, a juvenile, namely, son of the petitioners and absence of any specific role attributed against petitioner No.2, she should be granted bail subject to any conditions, which is opposed and objected to by Mr. Ray, learned AGA for the State on the ground that there is evidence regarding her involvement during the incident along with the co-accused persons.

4. Perused the FIR as at Annexure-1. From the FIR, it is suggested that the accused persons assaulted the victim. Admittedly, the name of both of petitioners besides the co-accused find mention in the FIR i.e. Annexure-1. As it appears, petitioner No.1, namely, the husband of petitioner No.2 said to have assaulted the deceased onto his head by means of a Thenga.

5. Mr. Ray, learned AGA for the State refers to P.M. report and submit to the Court that the injuries, as per the opinion therein, might have been caused by a hard and blunt object. Considering the nature of injuries received by the victim and the fact that petitioner No.1 is shown to be primarily responsible for the alleged incident and the fact that petitioner No.2 has been in custody from 19th July, 2024, recording the objection of Mr. Ray, learned AGA for the State, the Court is inclined to direct her release on bail subject to following conditions.

6. Accordingly, it is ordered.

7. In the result, the petition under Section 439 Cr.P.C. stands allowed vis-à-vis petitioner No.2, who is directed to be released on bail in connection with G.R. No.400 of 2024 corresponding to Parjang P.S. Case No.279 subject to her 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. Parjang with an additional condition that she shall not pick up quarrel with the family of the deceased and influence any other material witnesses to the case, while on bail. As regards, petitioner No.1, it stands disposed of for being not pressed with the liberty as prayed for.

8. The BLAPL is disposed of.

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

(R.K. Pattanaik)
Judge

Rojina

Signature Not Verified
Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 07-Dec-2024 15:02:12