IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.13852 of 2024

1) Ramesh Chandra Jena **.....** ***Petitioners***
2) Mousumi Jena @ Mili
3) Sulagna Nayak @ Laki Jena
4) Partha Sarathi Jena

Represented By Adv. - Kuldeep Mohanty

-versus-

State Of Odisha **.....** ***Opposite Party***

Represented By Adv. – Mr.M.R.Mohanty, A.G.A.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
11.12.2024

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).

2. Heard learned counsel for the Petitioners and learned Additional Government Advocate appearing for the Opposite Party-State.

3. The present application has been filed under Section 482 of B.N.S.S. by the Petitioners seeking pre-arrest bail in connection with Jaleswar P.S. Case No.588 of 2024, corresponding to C.T. Case No.740 of 2024, pending in the court of learned J.M.F.C., Jaleswar, for alleged commission of offences punishable under Sections 115(2), 126, 296, 324(4), 329(3), 74,3(5) of BNS.

4. It is stated by the learned counsel for the petitioners that the

petitioners as well as informant group are neighbours. He further contended that due to a family rivalry, a scuffle took place between two groups. As a result of which both groups have sustained injuries. He further contended that there exists a case and counter case at the instance of both the parties. Further, referring to the present case, learned counsel for the petitioners submitted that injury sustained by the injured are simple in nature. He further contended that the petitioners do not have any criminal antecedent and that they belong to the locality therefore there is no chance of their absconding.

5. Learned counsel for the State on the other hand objected to the release of the petitioner on bail on the ground that the investigation is going on therefore, the release of the petitioners would cause delay in conclusion of the investigation.

6. Considering the nature of allegation, gravity of offence and the surrounding facts of the case, I am not inclined to grant pre-arrest bail to the Petitioners. However, it is directed that in the event the Petitioners surrender before the Court in seisin over the matter within a period of four weeks from today and move an application for bail, the Court in seisin over the matter shall release them on bail in connection with the aforesaid case on such terms and conditions as it may deem just and proper in the facts and circumstances of the case, but subject to verification of similar criminal antecedent of the Petitioners and injury report. In the event it is found by the learned court below that the Petitioners are having any similar criminal antecedent or the injuries sustained by the injured are grievous in nature, then this order shall automatically stand

revoked.

7. Accordingly, the ABLAPL is disposed of.

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

(Aditya Kumar Mohapatra)
Judge

Rubi

Signature Not Verified
Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 13-Dec-2024 10:34:30