

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE
PATNAGARH**

Present :

**Smt. Shikha Rani Rath, M.A. LL.M.,
Additional Sessions Judge, Patnagarh**

**BLAPL No. 84 of 2021
(Arising out of GR Case No. 465 of 2021 of the Court of
learned S.D.J.M., Patnagarh)**

1. Nagesh @ Nageswar Mahananda, aged 21 years,
 2. Dinesh Mahananda, aged 18 years,
- Both are S/o Manju @ Laxman Mahananda, R/o-At- Bhalubahali,
PS- Belpada, District-Balangir .

.... Petitioners

Vrs.

State of Odisha

... Complainant

Order No. 03. dtd. 16.07.2021.

This is an application U/s 439 Cr.P.C filed by the petitioners, through their advocate for their bail.

(2). The learned counsel for the petitioners files a memo stating that no bail application of the petitioners are pending in any other court concerning to this case.

(3). Perused the materials on record and heard both the counsels on the point of bail of the petitioners and it is found, they have been implicated in this case U/s 294/323/307/354/506/34 IPC and it is the prosecution allegation that, on 27.06.2021, at about 7 PM, the petitioners along with their father Manju Mahananda, over an issue of previous quarreling with the informant family, abused the informant and his family members in obscene words and that the petitioner Nagesh by means of a merha assaulted to the informant, causing swelling injury on his back and that petitioner Dinesh Mahananda and his father Manju Mahananda assaulted him by means of merha and axe respectively, causing swelling and pain on his head and left hand and also on the axe blow of Manju, he sustained bleeding injury on his belly. When his daughter Madhabi tried to rescue him, the petitioners and their father

abused her in obscene words and that petitioner Dinesh assaulted by means of badi to her. The petitioners and their father also threatened to kill them. On the next day at about 6 PM, the informant lodged a written report against the petitioners and their father regarding the incident and on his report, the case was registered and investigation commenced.

(4) The learned counsel for the petitioners submitted, the petitioners are innocent of the allegation made against them. Further, he submitted, there is material contradiction in the statement of the informant and the witnesses as the informant in his statement before the police, has not stated that, he sustained injury on his belly on the axe blow of accused Manju, so also the daughters of informant namely Madhabi and Mena have not stated before the police that, their father was assaulted by an axe by accused Manju. Further, he submitted, the injuries of the injured persons are simple in nature and they have already been undergone treatment. Further he submitted, the petitioner Nageswar Mahanada is a +2 2nd year student at Shri Jagannath Dev Higher Secondary School, Mandal, district bolagnir and the petitioner Dinesh Mahananda is a pass-out of Matriculation and they have no criminal background. He filed the Xerox copy of the identity card of the school of the petitioner Nagesh Mahananda.

(5) The learned Addl.P.P. raised objection to the bail of the petitioners stating that there was assault to the informant by means of axe, badi, merha by the petitioners and their father to the informant and his daughter causing multiple injuries on them.

(6) From the injury report of the informant, it is found, there is a abrasion of size 3cm x 2 cm of left side , an abrasion of size 2 cm x 1 cm on right side back, an abrasion of size 1 cm x 1 cm on left hand dorsum and another abrasion of size 4 cm x 1 cm on right side back of scapula area, all the injuries are simple in nature, caused by hard and blunt object. From the injury report of injured Madhabi Mahananda, it is found she complains back pain and there was no external injury and from the injury report of injured Mena Mahananda, it is found, there was an abrasion of size 5cm on right side abdomen below maxilla, an abrasion of 3cm x 2 cm on right arm

and an abrasion of size 2 cm x 1 cm on laterally to right eye, all the injuries are simple in nature, caused by hard and blunt object. It appears on the same day of occurrence they have been examined by the doctor and undergone treatment for their injuries. The petitioner are young boys of aged about 21 and 18 years and they are permanent resident within the jurisdiction of trial court, there is no criminal background against them, as per the available materials on record. They are in interim judicial custody since 29.06.2021.

(7) So keeping in view the nature and gravity of the offence, the injuries and the treatment, which the injured have already been undergone, stage of investigation, period of detention, age, permanent abode of the petitioners and there is no criminal background against them, I am inclined to admit the petitioners to be released on bail by furnishing bail bond of Rs. 20,000/- with one solvent surety each for the like amount to the satisfaction of the learned S.D.J.M., Patnagarh with the conditions that;

- (i) They shall not commit similar offence ;
- (ii) They shall not threaten, terrorize the injured and the prosecution witnesses, in any manner while on bail;
- (iii) They shall not tamper with the prosecution evidence, in any manner; and
- (iv) They shall appear before the IO once in a fortnight in a day preferably on Sunday in between 10 AM to 5 PM, at the concerned PS till completion of investigation.

Send an extract of this order along with the LCR to the court of learned S.D.J.M Patnagarh for information and necessary action.

Dictated.

-Sd-

Addl. Sess. Judge, Patnagarh
Dt. 16.07.2021