

O.4/ 25.06.2022

Bail Application No.120/2022

(Arising out of G.R case no.570/2022 pending in the court of the learned S.D.J.M, Athmallik corresponding to Athmallik P.S case no.136 dtd.19.06.2022 for the offence U/s. 341/323/324/307/34 of IPC)

1.Chandala Palia, aged about 34 years,

2.Sanujya Palia, aged about 28 years,

3.Santanu Palia, aged about 20 years,

All are sons of late Bhakta Palia.

Village- Narayanapur, P.S-Athmallik,

Dist- Angul.

....Accused/Petitioner.

Vrs.

State of Odisha.

....Opp.party.

This order arises out of a petition filed U/s.439 Cr.P.C

2. The case of the prosecution runs thus:

On 19.06.2022, the informant-Dillip Mahakud lodged a written report before the IIC, Athmallik police station by stating therein that on 18.06.2022 at about 7 pm while he was going to Dehury sahi, at that time accused Sanujya, Chandala and Santalu were wrongfully restrained him and assaulted him by means of an iron rod and axe as a result, he sustained bleeding injury on his head. Thereafter, he was shifted to PHC, Madhapur for treatment

by the help of some village gentries and thereafter shifted to SDH, Athmallik for better treatment.

On such report, the police registered P.S case no.136/2022 for the offence U/s.341/323/324/307/34 of IPC and started investigation. During investigation, the accused-petitioners was apprehended on 20.06.2022 and forwarded to the court of the learned S.D.J.M., Athmallik who rejected the bail petition on the same day. On rejection of such bail petition, they filed this petition before this court.

3. It is submitted by the advocate for the accused-petitioners that the accused-petitioners are the innocent and they have been falsely implicated in this case by the informant being influenced by some persons. The injury sustained by the victim is not sufficient to cause of death. Further a counter case was filed against the father of the informant which was registered vide Athmallik P.S case no.137 dtd. 20.06.2022. The learned advocate for the accused persons also submitted the accused Sntanu Palia is suffering from sickling and consuming medicine regularly. It further pleaded in his petition that the accused-petitioners are the permanent resident of village Narayanpur under Athmallik P.S which comes under the jurisdiction of this court for which there is less chance of their absconding. The accused-petitioners are the law abiding persons and they will abide any term and condition if imposed by the court while release them on bail. Hence, he prayed to release the accused-petitioner on bail with any condition as deems fit and proper.

4. On the other hand, the learned Addl.P.P objecting the bail application of the accused-petitioner submits that the accused-petitioners may commit similar type of offence while on bail. They may not appear before the court as and when required and may tamper the prosecution evidence. The accused/petitioners are very much notorious. The release of the accused-petitioner on bail would defeat ends of justice. Therefore, considering the nature and gravity of the offence, the bail application of the accused-petitioners may be rejected.

5. Learned Advocate for the accused-petitioners has appended a certificate in the bail application to the effect that no bail has been filed or pending in any other court/courts or Hon'ble High Court of Orissa.

6. Perused the case record and up to date C.D. The victim-complainant has already been medically examined at MO, CHC, Madhapur on 19.06.2022. The occurrence was occurred on 18.06.2022 in the evening hour. Though the report of the injured reveals that the injury are grievous in nature but the I.O submitted in his report that the victim lodged the FIR on 19.06.2022 after examination from SDH, Athmallik. The statement of victim has already been recorded. On further perusal, the accused Santanu is suffering sickling and consuming medicine. The I.O has already seized the weapon of offence nearby the occurrence spot. The accused-petitioners are in jail custody since 20.06.2022. In the mean time, they might have come across the rigors of law. Further, the accused-petitioners are the permanent resident of village Narayanapur under Athmallik P.S which comes under the

jurisdiction of this court for which there is less chance of their absconding. Hence, considering the present facts and circumstances of the case, I am inclined to release them on bail. Accordingly, the bail petition filed by the accused/petitioners U/s.439 of Cr.P.C is allowed. Hence, it is ordered:

O R D E R

Let the accused/petitioners be released on bail by furnishing a bail bond of Rs.30,000/-(Rupees Thirty Thousand) each with one solvent surety for the like amount to the satisfaction of the learned S.D.J.M., Athmallik, subject to conditions as enumerated U/s.437(3) Cr.P.C along with the following:-

i. The accused/petitioners along with the bailor shall furnish their mobile numbers with the condition that such number shall not be altered till completion of trial.

Send back the L.C.R. to the court below forthwith.

Dictated.

Additional Sessions Judge,Alk