



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.899 of 2025

Abani Biswal & others

....

Petitioners

Mr. S.K. Bhanjadeo, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. P.K. Ray, AGA

Mr. Kabiraj Pradhan, Advocate for the informant

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

24.03.2025

Order No.

04.

1. Heard Mr. Bhanjadeo, learned counsel for the petitioners, Mr. Ray, learned AGA for the State and Mr. Pradhan, learned counsel for the informant.
2. Instant petition under Section 483 BNSS is filed for release of the petitioner on bail in connection with G.R. Case No.670 of 2024 corresponding to Tangi P.S. Case No.621 of 2024 pending in the file of learned J.M.F.C., Chilika on the grounds stated therein.
3. Perused the F.I.R. as at Annexure-1 and the rejection order i.e. Annexure-2 respectively.
4. In course of hearing, Mr. Bhanjadeo, learned counsel for the petitioners submits that since, the petitioners were found last seen along with the deceased assaulting him and thereafter, the latter disappeared and his dead body was finally recovered by the side of a railway track, they have been implicated. Referring to the Inquest Report, it is further submitted that the death of the deceased was apparently found to be on account of running over of a train and hence, the petitioners are not responsible for his death. A copy



of the P.M. Report is also referred to contend that the injuries found on the person of the deceased to be consistent with a railway accident, hence, therefore, the petitioners, who are in custody, since 23rd September, 2024, should be allowed to go on bail with any conditions.

5. Mr. Ray, learned AGA for the State seriously opposed the release of the petitioners on the ground that all of them committed the mischief and assaulted the informant, whereafter, the latter's dead body was found. The involvement of the petitioners is revealed from the statements of the witnesses recorded under Section 180 BNS during investigation. Mr. Pradhan, learned counsel for the informant equally opposed release of the petitioners on the ground that all of them to be involved in the alleged incident and for their having committed the overt acts and mischief, it has caused death of the deceased. In reply and response of the above, Mr. Bhanjadeo, learned counsel for the petitioners submits that the alleged incident was not witnessed by anyone and merely on the ground that the petitioners were found in the company of the deceased for the last time and committed some mischief, they have been implicated.

6. The F.I.R. is lodged by the informant father. It is claimed by the informant that he was threatened by one of the accused persons, namely, petitioner No.1 over phone during the time of the alleged incident. It is prima facie revealed from the record that the deceased was restrained by the petitioners, who, thereafter, committed the mischief and confined him. But the record does not reveal anyone having witnessed the alleged assault of the deceased in the hands of the petitioners. The P.M. Report rather suggests that the injuries found on the body of the deceased and his death is on account of head injury. In fact, the said report reveals that the deceased had received number of injuries, such as, lacerations,



contusion, grazed abrasion etc. consistent with the circumstances as mentioned in the Inquest Report. Having regard to the above facts and cause of death of the deceased for having received multiple injuries stated to be consistent with an accidental death and also with reference to the Inquest Report, recording the objection of Mr. Ray, learned AGA for the State and Mr. Pradhan, learned counsel for the informant, the Court, even though finds evidence with regard to the alleged mischief to the extent committed by the petitioners having confined the deceased, is of the view that all of them should be allowed to go on bail with following conditions.

7. Accordingly, it is ordered.

8. In the result, the petition under Section 483 BNSS stands allowed. Consequently, the petitioners are directed to be released on bail in connection with G.R. Case No.670 of 2024 arising out of Tangi P.S. Case No.621 of 2024 subject to them furnishing bail bonds of Rs.50,000/-(rupees fifty thousand) each with one solvent surety for the like amount each to the satisfaction of the learned J.M.F.C., Chilika, who shall impose such other suitable conditions as deemed just and proper in the facts and circumstances of the case besides the following, such as, they shall not influence any of the material witnesses connected to the case 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.

Signature Not Verified

Digitally Signed
Signed by: BALARAM BEHERA
Reason: Authentication
Location: CHC, CUTTACK
Date: 25-Mar-2025 11:01:26



(R.K. Pattanaik)
Judge