



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3776 of 2025

Manoj Kumar Behera

.....

Petitioner

Represented By Adv. -
Brundaban Rout

-versus-

State Of Odisha

.....

Opposite Parties

Represented By Adv. -
Mr. C. Mohanty, ASC

BLAPL No.3940 of 2025

Ajay Behera

.....

Petitioner

Represented By Adv. –
Mr. J. Sahoo, Adv.

-versus-

State Of Odisha

.....

Opposite Parties

Represented By Adv. -
Mr. C. Mohanty, ASC

BLAPL No.3957 of 2025

Kanha Sethi @ Sudhansu

.....

Petitioner

Sekhar Sethi

Represented By Adv. –
Mr. S.K. Lenka, Adv.

-versus-

State Of Odisha

.....

Opposite Parties

Represented By Adv. -
Mr. C. Mohanty, ASC

CORAM:

**THE HON'BLE MR. JUSTICE ANANDA CHANDRA
BEHERA**



ORDER
30.05.2025

Order No.

02. 1. These matters are taken up through hybrid mode.

2. Since, all the three bail applications under Section 483 of BNS, 2023 have arisen out of one case vide G.R. Case No.153 of 2025 in connection with Balugaon P.S. Case No.69 of 2025 pending in the Court of learned J.M.F.C, Chilika, then all the three bail applications are taken up together analogously for their final disposal through this common order.

3. The petitioners are in jail custody having been implicated under Sections 189(2), 191(2), 191(3), 296, 115(2), 109, 324(4), 351(3) and 190 of the BNS, 2023.

4. I have already heard from the learned counsel for the petitioners and the learned Additional Standing Counsel for the State.

5. During the course of hearing, the learned counsels of both the sides fairly submitted that, there is case and counter case against each other and the petitioners of these bail applications are accused persons in Balugaon P.S. Case No.69 of 2025, whereas the informant's side are the accused persons in counter case vide Balugaon P.S. Case No.68 of 2025 and the informant's side have already been allowed to go on bail from the counter case.

6. It is the settled propositions of law as per the ratio of the decision reported in **(2003) 25 OCR 743: Bashishth Singh and another Vrs. State of Bihar** that, *when there is case and counter case, then both parties are liable to be released on bail.*



7. So, by applying such principles of law enunciated by the Hon'ble Apex Court in the ratio of the above decision, it is felt proper to allow the petitioners to go on bail with stringent conditions.

8. Hence, all the three bail applications filed by the petitioners are allowed

9. They (petitioners) are allowed to go on bail on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the case with conditions that :-

- (i) They (petitioners) shall not involve with similar nature of crime in future.*
- (ii) They (petitioners) shall appear before the court personally on each date of adjournment of the case.*
- (iii) They (petitioners) shall not terrorize, coerce, influence or threat to any witnesses of the prosecution either directly or indirectly in any manner whatsoever at any stage of the trial of the case.*

But, in case of their failure to comply any of the aforesaid conditions, the learned trial court is authorized to cancel their respective bail orders outrightly without seeking any permission from this Court for the same.

10. Accordingly, the bail applications of the petitioners are disposed of finally.

11. Grant certified copy of this order to the petitioners on proper application.

(ANANDA CHANDRA BEHERA)
Vacation Judge

Rati Ranjan