

**(2024) 02 OHC CK 0043**

**In the Orissa High Court**

**Case No : Bail Application No. 608 Of 2024**

**Balaram Munda @ Bada Munda Vs State Of Odisha ?**

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**Date of Decision : 07-02-2024**

**Acts Referred:**

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 294, 323, 325, 34, 427, 506

**Citation : (2024) 02 OHC CK 0043**

**Hon'ble Judges : Savitri Ratho, J**

**Bench : Single Bench**

**Advocate : Ramakanta Pradhan, S.S. Mohapatra**

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## **Judgement**

Savitri Ratho, J

1. This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Champua P.S. Case No. 207 of 2023 corresponding to G.R. Case No. 470 of 2023 pending in the Court of the learned S.D.J.M., Champua registered for commission of offence punishable under Sections 341, 427, 294, 323, 325, 506, 34 of IPC.

2. Mr. R. Pradhan, learned counsel for the petitioner submits that the petitioner is in custody since 18.12.2023 and in the meanwhile the investigation has been completed and charge sheet has been filed. He further submits that the injured has in the meanwhile recovered and is carrying out her normal activities. He further submits that the victim had not sustained any fractures.

3. Mr. S.S. Mohapatra, learned Addl. Standing Counsel for the State opposes the prayer for bail stating that the injured is an old lady aged 75 years and on account of assault on her by the petitioner with a lathi her left radius and right tibia and fibula been fractured which are grievous injuries.

4. Perused the rejection order dated 11.01.2024. The prayer for bail of the petitioner has been rejected observing that the 75 years old lady has sustained grievous injuries and her left radius and tibia and fibula of right leg have been fractured for which she will have to face trauma for rest of her life. According to

the learned counsel for the petitioner this is an error of record as the injured has not sustained any fractures.

5. Considering the nature of injuries alleged to have been sustained by the injured lady and her age, I am not inclined to release the petitioner on bail, but considering the submission of the learned counsel for the petitioner that the victim has not sustained any fractures, Mr. S.S. Mohapatra, learned Addl. Standing Counsel for the State is directed to obtain the case diary and the injury report as well as a report from the I.O. regarding the present health condition of the injured.

6. List this case on 28.02.2024.

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