

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.277 of 2022**

***Saroj Kumar Nag and others***

.... ***Petitioners***  
*Mr. D.K. Mohanty, Advocate*

**-versus-**

***State of Odisha***

.... ***Opposite Party***  
*Mr. P.K. Pattnaik, A.G.A. for State*

**CORAM:  
JUSTICE A.K.MOHAPATRA**

**ORDER  
01.02.2022**

**Order No.**

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties and perused the records.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioners for bail in connection with Kuchinda P.S. Case No.223 of 2021, corresponding to G.R. Case No.679 of 2021, pending in the court of learned S.D.J.M., Kuchinda, for commission of alleged offences under Sections 399/402 I.P.C.
4. Learned counsel for the Petitioners submits that all the accused persons are friends and taking their dinner at a Dhaba. Due to altercation with the Dhaba owner, a false case has been foisted against the Petitioners. It is further submitted that Petitioners are the permanent resident of district Jharsuguda, there is also no chance of tampering the prosecution case or avoid the trial of the case. Further, Petitioners are languishing in jail custody since the date of their arrest, i.e. 08.12.2021.

5. Learned Standing Counsel for the State vehemently objected to the bail of the Petitioners. He, however, submits that if the Petitioners are released on bail, stringent conditions may be imposed on the accused Petitioners.

6. Having heard learned counsel for the parties and considering the period of detention of the Petitioners, this Court is inclined to release the Petitioners on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioners shall cooperate with the investigation and shall not threaten the witnesses or tamper with the evidence in any manner, whatsoever.

7. Petitioners are also directed to appear before the I.O. as and when required for the purpose of investigation and shall not involve themselves in similar type of offences. Violation of any conditions shall entail cancellation of bail of the Petitioners.

8. With the above direction, the BLAPL is accordingly allowed.

9. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

**(A.K. Mohapatra)**  
**Judge**