

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.363 of 2022

Rabi Harijan

..... Petitioner
Mr. Arijeet Mishra, Advocate

-versus-

State of Orissa

..... Opposite Party
Mr. S.S. Mohapatra, A.S.C. 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 Petitioner for bail in connection with Jeypore Town P.S. Case No.66 of 2021, corresponding to G.R. Case No.213 of 2021, pending in the court of learned S.D.J.M., Jeypore, for commission of alleged offence under Section 395 I.P.C.
4. Learned counsel for the Petitioner submits that Petitioner has been falsely entangled in the case by the Informant. It is submitted that the Petitioner is languishing in jail custody since the date of his arrest, i.e. 23.06.2021. It is also submitted that the co-accused persons, namely, Suresh Harijan & another have been released on bail by this Hon'ble Court in BLAPL No.7123 of 2021 vide order

dated 18.11.2021. Further, the other co-accused persons, namely, Indra Harijan and Balha Harijana have also been released by the learned court below.

5. Mr. Mohapatra, learned Additional Standing Counsel for the State on the other hand submits that the present Petitioner has criminal antecedents, as is revealed from the rejection order. He vehemently objected to the bail of the Petitioner. However, he submits if the Petitioner is released on bail, stringent conditions may be imposed on the accused Petitioner.

6. In such view of the matter and having heard learned counsel for the parties and considering the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a 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 Petitioner shall cooperate with the investigation and shall not threaten the witnesses or tamper with the evidence in any manner, whatsoever.

7. Petitioner is also directed to appear before the I.O. on every Sunday between 11.00 A.M. to 1.00 P.M. once he comes out of jail custody, till conclusion of trial. The court in seisin of the matter may impose any additional condition(s), if situation so warrants.

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

U.K.Sahoo

