

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.364 of 2022

Naba Gouda

..... 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 Baipariguda P.S. Case No.72 of 2020, corresponding to G.R. Case No.416 of 2020, pending in the court of learned S.D.J.M., Jeypore, for commission of alleged offences under Sections 399/402 I.P.C. and Section 25(1-B)(b) of the Arms Act.
4. Learned counsel for the Petitioner submits that the allegations made against the Petitioner are false and fabricated, as the Petitioner is no way connected in the case. It is submitted that on the basis of confessional statement of the co-accused person, the Petitioner has been arrested in the case and nothing has been seized from the conscious possession of the Petitioner. The further

submission was that Petitioner has been arrested and languishing in jail custody since the date of his arrest, i.e. 28.10.2021. It is submitted by learned counsel for the Petitioner that the co-accused person, namely, Sukanta Gouda has been released on bail by this Hon'ble Court in ABLAPL No.14698 of 2021 vide order dated 04.12.2021. The other two co-accused persons, namely, Ajay Kumar Sabat and Arun Nag, Aswini Mandal have already released on bail by the learned court below.

5. Mr. Mohapatra, learned Additional Standing Counsel for the State vehemently objected to the bail of the Petitioner. However, he submits that 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.50,000/- (Rupees Fifty 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. as and when required for the purpose of investigation and shall not involved himself in similar type of offences. Violation of any conditions shall entail cancellation of bail of the Petitioner.

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

