

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.368 of 2022

Sk. Anas

Petitioner
....
Mr. S.N. Panda, Advocate

-versus-

State of Odisha

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 Kharvela Nagar P.S. Case No.357 of 2021, corresponding to C.T. Case No.6023 of 2021, pending in the court of learned S.D.J.M., Bhubaneswar, for commission of alleged offences under Sections 147/148/341/294/323/332/353/307/427/506/149/337 I.P.C. and Section 3 of Prevention of Damage to Public Property act, 1984.
4. Learned counsel for the Petitioner submits that Petitioner is an innocent and law abiding person, he has been falsely implicated in the case by the police. It is submitted that Petitioner has no criminal antecedents. Learned counsel for the Petitioner also submitted that the Petitioner has been arrested in the above case and

languishing in jail custody since the date of his arrest, i.e. 26.12.2021. The further submission is that the co-accused persons have been released by this Hon'ble Court in BLAPL No.10830 of 2021, vide order dated 24.01.2022.

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.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 local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once he comes out of the jail custody, till conclusion of the trial. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

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

