

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.551 of 2022

***Raj Kumar Tanwar @ Raju and
another***

....

Petitioners

Mr. B.K. Behera,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

02.02.2022.

Order No.

01. 1. This matter is taken up through virtual mode.
2. Heard Mr. B.K. Behera, learned counsel for the Petitioners and Mr. P.Tripathy, learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 17th September, 2021 in connection with Malgodown P.S. Case No.175/2021 corresponding to G.R. Case No.1126/2021 pending in the court of learned J.M.F.C. (O), Cuttack for the alleged commission of the offence under Section 427/454/380/34 of IPC.

4. It is submitted that the Petitioners were in custody in connection with another case being Lingaraj P.S. Case No.237/2021 in which they were granted bail by this Court vide order passed in BLAPL No.9506/2021. Despite absence of any material against them they were taken on remand in the present case.

5. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the Petitioners appear to be habitual offenders and in any case, belong to the State of Haryana and if released, there may be difficulty in procuring their attendance during trial.

6. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact charge sheet has already been submitted, I am inclined to allow the Petitioners on bail.

7. Let the Petitioners be released on bail in the aforesaid case on such terms and conditions as may be imposed by the court in seisin over the matter including insisting upon sureties belonging to the Cuttack District and the condition that the Petitioners shall not leave the territorial jurisdiction of the court in seisin over the matter without obtaining permission.

8. The BLAPL is disposed of.

9. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout 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, modified by Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

AKB



(Sashikanta Mishra)
Judge