

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.612 of 2022

Brahma Prasad Nath

....

Petitioner

Mr. Satya Ranjan Mulia, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Pattnaik, A.G.A. for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

02.02.2022

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 Jajpur P.S. Case No.288 of 2021, corresponding to C.T. Case No.1570 of 2021, pending in the court of learned J.M.F.C., Chandikhole, for commission of alleged offence under Section 212 I.P.C. and Sections 4 and 5 of Explosive Substances Act, 1908.
4. The allegation in the FIR is that the I.O. as Informant while performing his patrolling duty got information that huge explosive were stored in a godown preparing for blasting in a quarry. He raided the spot and seized some explosives from the said godown. Accordingly, the present petitioner has been arrested.

5. Learned counsel for the Petitioner submits that no case has been made out against the Petitioner. It is submitted that there is no clinching evidence/materials to show that the Petitioner is the author of the crime. It is further submitted that there is no allegation against the Petitioner under Sections 4 and 5 of the Explosive Substance Act. The further submission is that since Petitioner is a permanent residence of Cuttack district, there is no chance of absconding or avoiding the trial. It is also stated that Petitioner is in jail custody since the date of his arrest, i.e. 16.01.2022.

6. Learned Additional Government Advocate for 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.

7. Considering the materials on record and having heard learned counsel for the parties and the gravity of the allegations made, 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.

8. Petitioner is also directed to appear before the I.O. as and when required for the purpose of investigation and shall not involve himself in similar type of offences. Violation of any conditions shall entail cancellation of bail of the Petitioner.

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

10. 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

