

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.701 of 2022

Sagar Bhoi

....

Petitioner

Mr. Suryakanta Dwibedi, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. Anupam Rath, A.S.C. 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 Handapa P.S. Case No.228 of 2021, corresponding to G.R. Case No.825 of 2021, pending in the court of learned S.D.J.M., Athmallik, for commission of alleged offence under Section 394 I.P.C.
4. Learned counsel for the Petitioner submits that the allegations made against the Petitioner are false and fabricated one. On a bare perusal of the F.I.R., it is seen that no prima facie case is made out against the Petitioner. It is further submitted that on the basis of confessional statement, the present Petitioner has been arrested in the above case. He also submitted that charge-sheet has already been submitted in the meantime. The further submission of the Petitioner is that two co-accused persons, namely, Debasish

Pradhan and Guru @ Rohit Behera have been released on bail by the court below.

5. Learned Additional Standing Counsel 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.

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

