

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.820 of 2022

Tapas Ranjan Nayak

.... ***Petitioner***
Mr. D. Nayak, Sr. Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, A.G.A.

CORAM:
JUSTICE G. SATAPATHY

ORDER
06.12.2022

Order No.

- 08.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with CID CB P.S. Case No.14 of 2021 corresponding to C.T. Case No.727 of 2021 of the Court of learned learned S.D.J.M., Balasore for commission of offences punishable U/Ss. 120-B/121-A//34 of IPC and Sections-3/4/5 of Official Secrets Act, on the allegation for passing out secret information relating to Missile Testing to foreign nationals.
 3. In the course of hearing of the bail application, Mr. D.Nayak, learned Senior Counsel for the Petitioner submits that nothing is available against the Petitioner so as to keep him behind bar for any further period. It is also submitted by him that the Petitioner was a gate keeper at the relevant time and he has no role in assessing or passing the secret information of the missile testing, no matter the Petitioner had responded to friends request from two ladies, but there is absolutely no material or evidence being collected by the Investigating Agency to say that the Petitioner has ever shared any secret information of the Chandipur Missile Testing Centre and the only material available against the Petitioner is his confession, which at any rate does not constitute any offence against the

Petitioner. It is further submitted that the witness Saroj Kumar Behera has stated that although the Petitioner has responded to the friend requests of two ladies namely, Kanak Chuderi and Anaya Singh, but he has never passed any secret information relating to the missile testing centre and the Petitioner has no access to any secret information relating to missile testing of Chandipur Missile Testing Center. It is further submitted by him that charge has already been framed in this case and thereby, the Petitioner having hardly any scope to tamper prosecution witnesses, may kindly be released on bail.

4. On the contrary, Mr. P.K. Pattnaik, learned A.G.A. for the State submits although the Petitioner has not been able to pass any secret information, but his conduct in responding to some foreign ladies in Facebook itself amounts to his proximity with them and, thereby, the secret information as alleged can be shared by the petitioner. It is further submitted that the only material against the Petitioner is recovery of eighteen pages of screenshot and other photographs pursuant to disclosure statement of the petitioner.

5. Considering the rival submissions made, the nature and gravity of accusations raised against the petitioner together with the materials collected in support of the allegations levelled against the petitioner and the period of detention of the petitioner in custody since last one year and regard being had to the order passed by the learned trial Court in framing charge against the Petitioner and taking into consideration the other circumstances in entirety, this Court admits the Petitioner to bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that the Petitioner shall report attendance before the jurisdictional Police Station on each

Sunday in between 10 A.M. to 12 Noon for six months from the date of release from the custody. The I.I.C., of jurisdictional Police Station shall not detain the Petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the Petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

Priyajit

