

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1656 of 2022

Kathi @ Susanta Behera

....

Petitioner

Mr. Smruti Ranjan Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

20.04.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Angul Sadar P.S. Case No.707 of 2021, corresponding to G.R. Case No.1129 of 2021, pending before the learned J.M.F.C., Banarpal, for commission of alleged offences under Sections 450/394 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The prosecution case, in a nutshell, is that on 04.11.2021 at 1.00 A.M., the Informant namely, Bikash Behera present a written report before the Angul Sadar P.S. is that the Petitioner along with one Asish Nayak knocked the main gate of the

Informant, hearing the sound, when the father of the Informant, namely, Bipra Behera opened the main gate, suddenly the sid persons are brutally assaulted the father of the Informant by means of Bamboo Lathi and bill hook and demanding money, out of fear the father of the informant came inside their house, the Petitioner and others went towards the cash box of their grocery shop and snatched away Rs.47,000/- and fled away from the spot. On this report, the IIC of Angul Sadar P.S. registered the said report as Angul Sadar P.S. Case No.707, dated 05.11.2021 for commission of alleged offences u/s.450/394 of IPC against the Petitioner.

5. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 18.11.2021. The Police after completion of investigation filed charge-sheet against the Petitioner. It is submitted that due to political dispute, the petitioner has been falsely implicated in the case. There are no connecting materials collected by the police regarding specific involvement of the Petitioner in the alleged crime. It is further submitted that Petitioner has some cases in his name and most of the cases, he has been granted bail by the Hon'ble Court. As regard the injury sustained by the father of the Informant, it is submitted that the said injuries are simple in nature as per the medical report. The further submission is that one of the co-accused, namely, Sujit Kanar has been granted bail by this Hon'ble Court in BLAPL No.10991 of 2021. Accordingly, he urged for grant of bail on

such terms and conditions as this Hon'ble Court deem fit and proper.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. It is submitted that the present petitioner has six criminal antecedents. Therefore, learned counsel for the State urges to reject the bail application of the Petitioner.

7. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- i) He shall not involve himself in any similar nature of offence;
- (ii) He shall appear before the trial court on each and every date as fixed by the court;
- (iii) He shall appear before the I.O. once in every week, preferably on Sunday at 10 A.M. to 1.00 P.M. and report to the police, till conclusion of trial;
- (iv) He shall not tamper with the prosecution evidence;
- (v) He shall not influence or threaten any prosecution witness and cooperate in the investigation;

(vi) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;

(vii) He shall not leave the jurisdiction of the court without special permission from the court; and

(viii) Violation of any of the above conditions shall entail cancellation of the bail.

8. It is further directed that learned court below may impose any other additional condition(s), if situation so warrants.

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

10. Issue urgent certified copy of this order on proper application.

