

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1358 of 2021

Azad Nag & another

....

Petitioners

Mr. Prasanta Kumar Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

14.09.2022

Order No.

06. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. It is submitted by the learned counsel for the Petitioners that earlier the Petitioners were arrested in connection with Bhasma P.S. Case No.123 of 2020 for their involvement in another offence. Thereafter, they have been taken on remand in the present case and are detained in custody for facing the trial.
4. On perusal of the record it appears that, three of the co-accused persons were also the suspects along with the present Petitioners, who were put to T.I. parade. However, the said three co-accused persons were not identified by the Informant. So far as the present Petitioners are concerned, it is stated that they have not been named in the F.I.R.

5. Learned counsel for the Petitioners submits that the present Petitioners are local residents and therefore there is no chance of their absconding, in the event they are released on bail. On instruction, he further submits that, trial has not yet commenced in the case and also there is no hope of commencement of trial early.

6. Learned counsel for the State on the other hand vehemently opposes the bail of the Petitioners on the ground that the Petitioners have two other criminal antecedents of similar nature. He further submits that the Petitioners confessed before the police that they have committed the alleged crime. In such view of the matter, learned counsel for the State opposes the bail of the Petitioners.

7. Having heard learned counsel for the parties and considering the fact that the Petitioners are in custody since 05.09.2020 and they have not been identified in the T.I. parade, particularly in the background that the present Petitioners have not been named in the F.I.R. and further coupled with the fact that the Petitioners were taken on remand in the present case when they were undergoing imprisonment in connection with another similar case and that they are in custody for almost two years and the fact that trial has not yet commenced and there is likelihood of delay in commencement of the trial, this Court in the present facts and scenario of the case, directs that the Petitioners shall be released on bail by furnishing bail bond of Rs.30,000/-(Rupees Thirty Thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Sessions Judge, Sundargarh in S.T. Case No.08 of 2021 arising out of G.R. Case No.389 of 2020 corresponding to Rajgangpur P.S. Case No.228 of 2020, on such terms and conditions as would be deemed just and proper in the facts and circumstances of the case.

8. While imposing conditions for bail, learned Sessions Judge, Sundargarh shall also impose the following additional conditions –

(i) While on bail, the Petitioner shall appear before the concerned P.S. once in a week, preferably on Sunday during 10 A.M. to 1.00 P.M. till conclusion of trial;

(ii) They shall not leave the jurisdiction of the trial court without specific prior permission of the trial court;

(iii) They shall not threaten, terrorise, ill-treat or harass the Informant and his family members including the prosecution witnesses in any manner whatsoever and shall not tamper with the prosecution evidence in any way;

(iv) They shall appear before the trial court on each date fixed for trial, without fail.

Violation of any of the conditions above shall entail cancellation of bail of the Petitioners.

9. The I.A. is disposed of accordingly.

10. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge