

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1829 of 2022

Udaya @ Rama Rao @ Shyam @ ***Petitioner***
Palara Rama Rao

M/s. P.K.Jena, Advocate

-versus-

State of Orissa ***Opp. Party***
M/s.P.K.Patnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

16.11.2022

Order No.

07. 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 Padmapur P.S. Case No.45 of 2008 corresponding to C.T. No. 45 of 2021 pending in the Court of learned Additional Sessions Judge, Gunupur for commission of offence punishable U/S. 120-B of the I.P.C. read with Section 40(a)(c) of Unlawful Activities Prevention Act on the allegation of raising fund for Naxal movement by entering into conspiracy with other co-accused persons.
3. In the course of hearing of the bail application, Mr.P.K.Jena, learned counsel for the petitioner very emphatically submits that the petitioner has been inside jail custody since 23.08.2008 in connection with another case but the F.I.R. in the present case was lodged on 29.12.2008 for matters relating to transaction of money for Naxal movement but how come it is possible that a person in jail custody was able to extract money from the other co-accused persons who were found to have apprehended by the police with some cash.

Further it is submitted that there was neither any materials on record to indicate that the petitioner had demanded money from the co-accused nor was in a position to receive money in view of the fact that the he was in judicial custody then and the co-accused who were apprehended with cash have already been granted bail and one of the co-accused has been granted pre-arrest bail by this Court but the petitioner is suffering incarceration in connection with this case and trial is yet to commence even after more than fourteen years of the occurrence. It is, accordingly, prayed by him to release the petitioner on bail.

4. On the other hand, learned counsel for the State by placing reliance on the statements of witnesses B.Murali and Kasi Biswnath Baliarsingh submits that these witnesses had already seen the co-accused dealing with the petitioner for raising fund for Naxalite movement earlier to the occurrence and the petitioner, therefore, is not entitled to bail.

5. Considering the rival submissions made, the nature and character of the accusations brought against the petitioner, the supporting materials collected by the investigating agency, the pre-trial detention of the petitioner in judicial custody, release of co-accused persons on bail and regard being had to the fact that the trial is yet to commence even after fourteen years of occurrence, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the

petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday of every month in between 10 A.M. to 12 Noon after his release from jail on bail for three months. 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. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge