

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3061 of 2022

***Kabi @ Prabin Kumar Rout and
others***

....

Petitioners

Mr. B.S. Dasparida,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

17.5.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 8th March, 2022 in connection with Narla P.S. Case No.30/2022 corresponding to C.T. Case No.77/2022 pending in the court of learned J.M.F.C., M. Rampur for the alleged commission of the offence under Sections 121/121-A/122/123/34 of I.P.C, read with Sections

17/18/19/20 of Unlawful Activities (Prevention) Act and Section 17 of Criminal Law (Amendment) Act.

4. It is alleged that the Petitioners were aiding Maoists by supplying communication devices i.e, walkie talkies when they were apprehended. A consignment containing two walkie talkies was detained which was supposed to be delivered by the Petitioners to the Maoists. It is submitted by Mr. D.P.Dhal, learned Senior counsel, that Petitioner no.1 is a Government Teacher, Petitioner No.2 is a student of Polytechnic College, Bhawanipatna and Petitioner No.3 is an employee of TATA Company and they have no role to play whatsoever in the alleged occurrence. Moreover, there devices are commonly available in the market and no license is required to possess them.

5. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that there is clear proof that the Petitioners were actively involved in assisting and aiding Maoists in carrying out anti-national and other unlawful activities. However, it is fairly submitted by learned State counsel that in so far as Petitioner Nos.2 and 3 are concerned, there are no acceptable materials to show their involvement in the occurrence. But in so far as Petitioner No.1 is concerned, as per instructions received, he is not only a sympathizer of Maoists but also actively aids and assists them in their anti-national and unlawful activities.

6. Having regard to the submissions as above, the materials on record and particularly, in the absence of any acceptable materials against Petitioner Nos.2 and 3 namely, Pratidan Rout and Shaktishamanta Dalabehera, this Court finds no reason to detain them in custody any further.

7. In so far as Petitioner No.1 is concerned, as per the confidential information furnished by the learned State counsel in sealed cover, which was opened in the Court and perused by me, it appears that the allegations against Petitioner No.1 are very serious in nature and the materials show a strong prima facie case against him. As such, and particularly in view of the fact that investigation is still in progress, it would not be proper to release Petitioner No.1 on bail at this stage. In the result, the bail application of Petitioner No.1-Kabi @ Prabin Kumar Rout is rejected.

8. However, the bail application in so far as Petitioner Nos.2 and 3 namely, Pratidan Rout and Shaktishamanta Dalabehera is allowed. Let them be released on bail in the aforesaid case on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that they shall appear before the trial court below on each date of posting of the case without fail. Further, Petitioner No.2-Pratidan Rout shall appear before the I.I.C. of Narla P.S. on every Sunday at 10.00 A.M. till submission of Final Form and Petitioner No.3-Shaktishamanta Dalabehera shall appear before the I.I.C. of

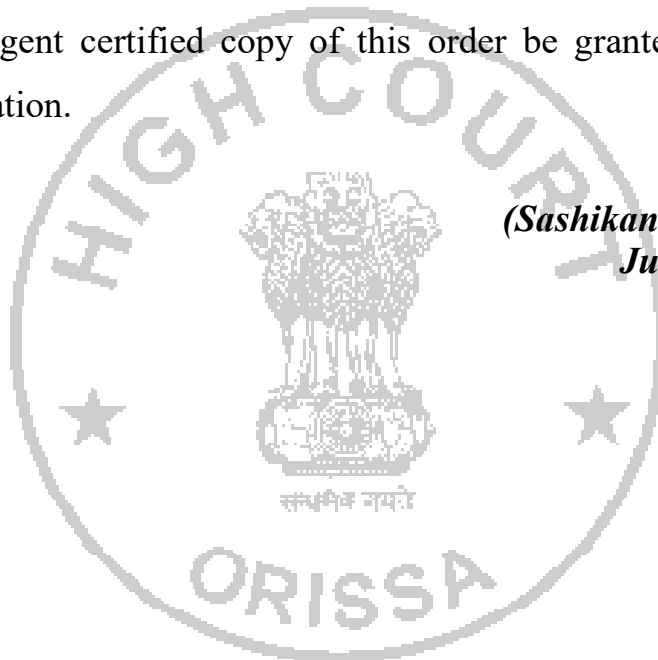
Bantala P.S. on every Sunday at 10.00 A.M. till submission of Final Form.

9. The confidential written information received is again sealed in open Court and handed over to the learned State counsel for being returned to the I.O.

10. The BLAPL is disposed of.

11. Urgent certified copy of this order be granted on proper application.

AKB



(Sashikanta Mishra)
Judge