

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3358 of 2022

Pradeep Brahma @ Papu ***Petitioner***
Mr. Surya Narayan Mahakud, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
16.05.2022

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 Petitioners for bail in connection with Motanga P.S. Case No.71 of 2022, corresponding to G.R. Case No.361 of 2022, pending in the file of learned S.D.J.M., Dhenkanal, for commission of alleged offences under Sections 341/323/294/307/506/34 of I.P.C.
3. Heard learned counsel for both the parties. Perused the F.I.R., Case Diary and statement of witnesses.
4. Learned counsel for the Petitioners submits that the Petitioners are in custody since 23.03.2022. It is further

submitted that police after completion of investigation has filed charge-sheet against present Petitioners.

5. Learned counsel for the Petitioners produces certified copy of the injury report of the injured persons in Court today, on perusal of the same it appears that there is only one injury. It is further submitted that even though there is injury on the body of the injured person, but after initial treatment, the injured has been sent to home. It presumes that the injured person has not received any fatal injuries. It is also submitted that Petitioners are the permanent resident of the locality, therefore, there is no chance of absconding in the trial of the case. Accordingly, he prays that the Petitioner may be release on bail on such terms and conditions as fixed by this Hon'ble Court.

6. Learned counsel for the State vehemently opposes the bail application of the Petitioners on the ground that the injured person has sustained injury, therefore, no leniency should be shown to the accused persons in granting bail. Accordingly, he prays for rejection of the bail application of the present Petitioners.

7. Having heard learned counsel for the parties and considering the custodial detention of the Petitioners and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioners on bail subject to stringent conditions. Let the Petitioners be released on bail subject to furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) each with one solvent surety each for the like amount to the

satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) They shall not indulge in similar nature of offence;
- ii) They shall appear before the trial court on each and every date and shall cooperate in the matter;
- iii) They shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
- iv) They shall provide their address as well as their phone numbers to the concerned Police Station and keep the same updated in the event the same is changed in future;
- v) They shall appear before the concerned Police Station as and when required;

8. Violation of any of the terms and conditions shall entail cancellation of bail.

9. With the aforesaid observation the BLAPL stands disposed of.

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

(A.K. Mohapatra)
Judge