

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3359 of 2022

Rabindra Sethi

....

Petitioner

Mr. Biswajit Mohanty, 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 Petitioner for bail in connection with Buguda P.S. Case No.687 of 2021, corresponding to G.R. Case No.675 of 2021, pending in the file of learned J.M.F.C., Buguda, for commission of alleged offences under Sections 294/452/507/354/323/324/326/307/506/34 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 Petitioner submits that the Petitioner is in custody since 03.01.2022. It is further submitted that police after completion of investigation has filed charge-

sheet against present Petitioner. The further submission is that there is no clinching evidence on record against the Petitioner to implead him in the present case. It is alleged that due to previous dispute, the present case has been filed and even though there is no material on record, the present Petitioner has been languishing in jail custody since long. Therefore, he prays that the prayer of the Petitioner for bail deserves consideration of this Hon'ble Court on such terms and conditions as fixed by this Hon'ble Court.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner on the ground that the injured persons have sustained three cut injuries, ankle injuries and head injuries, which have caused due to the act of the present Petitioner and others. Therefore, no leniency should be shown to the accused person in granting bail. Accordingly, he prays for rejection of the bail application of the Petitioner.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) He shall not indulge in similar nature of offence;

ii) He shall appear before the trial court on each and every date and shall cooperate in the matter;

iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;

iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;

v) He shall appear before the concerned Police Station as and when required;

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

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

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

(A.K. Mohapatra)
Judge