

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3373 of 2022

Kasi @ Pravat @ Pabitra Samal ***Petitioner***
Mr. Satya Ranjan Mulia, 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 Jagatsinghpur P.S. Case No.378 of 2021, corresponding to C.T. Case No.101 of 2022, pending in the file of learned C.J.M., Jagatsinghpur, for commission of alleged offences under Sections 379/328 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since the date of his arrest, i.e. 31.1.2022. It is further submitted that police after completion of

investigation has filed charge-sheet against the Petitioner. It is submitted that there is no clinching legal evidence available against the present Petitioner to connect him in the alleged offence and basing upon the confessional statement only, he has been arrayed as an accused in the present case. It is also submitted that since investigation has already been completed, there is no chance of absconding or avoiding the trial of the case. Accordingly, he urges to release the present Petitioner on bail on such terms and conditions as fixed by this Hon'ble Court in the best interest of justice.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner on the ground that serious allegations have been made against the Petitioner in the present case. He, however, submits that if granted bail, stringent conditions may be imposed on the present 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.30,000/- (Rupees Thirty thousand) with two solvent sureties 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 for early conclusion of trial;

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 once in a fortnight preferably on Sunday from 10 A.M. to 1 P.M. till end of trial;

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