

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3379 of 2022

Siba Pradhan

....

Petitioner

Mr. Susanta Ku. Baral, 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 Gurudijhatia P.S. Case No.39 of 2022, corresponding to C.T. Case No.165 of 2022, pending in the file of learned S.D.J.M., Athagarh, for commission of alleged offences under Sections 452/294/323/354-A/354-B/354/506 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 21.03.2022. It is further submitted that the allegation made in the FIR is totally false and fabricated one and only due to previous land dispute. He further submits

that the Petitioner is the only earning member of his family, if he will not release on bail, his family members will die in starvation. The further submission is that Petitioner has no criminal antecedents and he has been entangled in the present case only to wreck vengeance of family dispute. Accordingly a prayer has been made to consider the aforesaid facts and circumstances of the case and release the Petitioner on bail on such terms and conditions as deem fit and proper by this Hon'ble Court.

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 and shall stay away from the victim till conclusion of the trial;

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