

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3387 of 2022

Dukhia Sethi @ Dukhishyam Sethi ***Petitioner***
Mr.Amit Kumar Nath, 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 Chhendipada P.S. Case No.604 of 2021, corresponding to G.R. Case No.1028 of 2021, pending in the file of learned J.M.F.C., Chhendipada, for commission of alleged offences under Sections 341/294/323/324/307/506/34 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 20.03.2022. It is further submitted that police after completion of investigation submitted charge-sheet. It is submitted that the co-accused persons, namely, Susanta Sethi @ Sushanta Sethi and Somanath Sethi have been

released on bail by this Hon'ble Court in BLAPL No.1137 of 2022 vide order dated 22.3.2022. It is submitted that there is no material evidence against the present Petitioner. Further it is stated that the legal evidence is lacking in respect of the alleged offences is concerned, for which, considering the aforesaid facts and circumstances the prayer for bail of the Petitioner deserves kind consideration 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 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 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 as and when required;

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

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

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

(A.K. Mohapatra)
Judge