

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3423 of 2022

***Khokan@ Susanta Behera and
another***

....

Petitioners

*Mr.Susanta Kumar Mishra
, Advocate*

-versus-

State of Odisha

....

Opposite Party

Mr. M.K.Mohanty, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.05.2022

Order No.

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1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Jatni P.S.Case No.669 of 2021 corresponding to G.R.Case No.710 of 2021 pending in the Court of the learned J.M.F.C., Jatni for alleged commission of offence under Sections 294,506/34 of the Indian Penal Code read with Section 3 & 4 of Explosive Substances Act, 1908.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 13.12.2021 and after completion of investigation, the Investigating Agency submitted charge sheet in this case. It is submitted by the learned counsel for the Petitioners that nothing has been seized from the conscious possession of the Petitioners. It is further submitted by the learned counsel for the Petitioners that since the Petitioners are permanent

inhabitants of their villages, there is no chance of their absconding or fleeing from receiving justice. They are ready to cooperate with the trial and they are ready and willing to abide any terms and conditions that may be imposed by this Court.

5. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits the petitioners abused the informant in obscene languages and threw bombs on her with an intention to kill her. Accordingly, learned Additional Standing Counsel urges rejection of bail application of the Petitioners.

6. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the Petitioners, I am inclined to grant bail to the Petitioners and it is directed that let the Petitioners be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) each with one local 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 himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses while on bail.
- v) they shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) Violation of any of the terms and conditions shall entail

cancellation of bail.

7. The trial court may impose any other condition(s) as deem fit and proper.
8. BLAPL is accordingly disposed of.
9. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

