

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3436 of 2022

Sukhend Singh @ Sonu & another ***Petitioners***
Mr.S.R.Rout, 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.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Rairakhol P.S. Case No.171 of 2021 corresponding to G.R.Case No.466 of 2021 pending in the Court of the learned S.D.J.M., Rairakhol for commission of an alleged offence under Section 379/511 of the Indian Penal Code read with Section 15(2) of the P.M.P.L. Amendment Act, 2011.
4. It is submitted by the learned counsel for the Petitioners that the Petitioners are languishing in jail custody since 08.02.2022 and the Investigating Agency after conclusion of investigation submitted charge sheet in this case. It is further submitted by the learned counsel for the Petitioners that the F.I.R. does not disclose the names of the Petitioners and on the basis of the co-accused statement, the Petitioners

have been implicated in this case. It is also submitted by the learned counsel for the Petitioners that nothing incriminating materials is forthcoming during investigation against the Petitioners. It is submitted by the learned counsel for the Petitioners that the Petitioners are ready and willing to abide by the terms and conditions that may be imposed by this Court.

6. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioners and submits that since the Petitioners are man of U.P., their application for bail be rejected.

7. Having heard learned counsel for the parties and considering the nature of the allegation as well as the period of custodial detention of the Petitioners and the fact that their names have not been disclosed in the F.I.R. and they have been implicated on the basis of the co-accused statement, this court is 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 two local solvent sureties 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 appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not tamper with the prosecution evidence while on bail.
- v) shall not influence or threaten any prosecution evidence while on bail.

- vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may also impose any other condition(s) as deem fit and proper.
9. The Bail Application is accordingly disposed of.
10. Issue urgent certified copy of this order as per Rules.

RKS

(*A.K. Mohapatra*)
Judge

