

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3439 of 2022

Roshan Jena

....

Petitioner

Mr.Ajit Kumar Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K.Nayak, 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 Serongo P.S. Case No.19 of 2003 corresponding to S.T.Case No.30 of 2016 pending in the Court of the learned Additional Sessions Judge, Parlakhemundi for commission of an alleged offence under Sections 366, 368, 114/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner was earlier on bail. However, the Petitioner failed to appear before the Court on the date fixed. Accordingly on 10.10.2018 N.B.W. was issued by the learned trial Court. On execution of N.B.W., the Petitioner was arrested on 25.01.2022 and till then he is in custody. It is further submitted by the learned counsel for the Petitioner that the Petitioner is the only bread earner of his family and he had gone out of

the State to work for which he failed to attend the date in time. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Gajapati district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and is ready and willing to abide by the 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 Petitioner and submits that since he is a defaulter in attending the Court, he shall not be released on bail and in the event the Petitioner is released, stringent conditions may be imposed on the Petitioner.

7. Considering the aforesaid submissions and keeping in view the entire facts of the case and the period of custodial detention of the Petitioner, this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local 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) 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.
- ii) shall not indulge in any offence of similar nature
- iii) shall not tamper with the prosecution evidence while on bail.
- iv) shall not influence or threaten any prosecution evidence while on bail.
- v) 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

