

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3441 of 2022

Sonu Kumar Jena

.... Petitioner
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 and Section 3 & 4 of PDPP Act, 1984.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 01.04.2022. It is further submitted by the learned counsel for the Petitioners that the F.I.R. does not disclose the name of the Petitioner and on the basis of the co-accused statement, the Petitioner has been implicated in this case. It is also submitted by the learned counsel for the Petitioner that nothing

incriminating material is forthcoming during investigation against the Petitioner. It is submitted by the learned counsel for the Petitioner that since the Petitioner is permanent inhabitant of Angul district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, he will appear before the learned trial court on each date of posting and is 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 no leniency should be shown towards the Petitioner while considering the application for bail of the Petitioner. Accordingly, learned Additional Standing Counsel urges rejection of the application for bail of the Petitioner.

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 Petitioner and the fact that their names have not been disclosed in the F.I.R. and he has been implicated on the basis of the co-accused statement, 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) 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) he 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

