

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3461 of 2022

Madan Mohan Bhoi

.... Petitioner
Mr.S.K.Dwibedi, 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 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 Khaprakhol P.S.Case No.23 of 2021 corresponding to G.R.Case No.72 of 2021 pending in the Court of the learned S.D.J.M., Patnagarh for alleged commission of offence under Sections 450, 395,412 of the Indian Penal Code read with Section 25 & 27 of Arms Act, Section 9(B) of the Explosive Act, 1884 & Section 3 & 4 of the Explosive Substances Act, 1908.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner has been remanded in the present case on 24.09.2021 and since then he is in judicial custody. It is further submitted by the learned counsel for the Petitioner that the Investigating Agency after

completion of investigation has submitted charge sheet. He also contended that the present Petitioner has been implicated in this case on the basis of the confessional statement of the co-accused. Co-accused persons standing on similar footing have already been released on bail by this Court. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is a permanent inhabitant of Balangir district, there is no chance of his absconding or fleeing from receiving justice. He further undertakes to appear before the trial court on each date of posting of the case.

5. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits prayer for bail of the Petitioner be rejected.

6. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the Petitioner and the fact that co-accused persons have been released on bail by this Court, I am 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 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 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) he 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

