

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3474 of 2022

***Moti @ Sahanawaj Mallik &
another***

....

Petitioners

Mr.Jyotirmaya Sahoo, 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. On oral prayer made by the learned counsel for the Petitioner, he is permitted to carry out the correction in the cause title in court.
3. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
4. 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 Bolagarh P.S. Case No.37 of 2022 corresponding to G.R.Case No.281 of 2022 pending in the Court of the learned S.D.J.M., Khurda for commission of an alleged offence under Sections 341,294, 323, 324, 307, 506/34 of the Indian Penal Code.
5. It is submitted by the learned counsel for the Petitioners that the Petitioners have not been named in the F.I.R. and basing on the co-accused statement, the Petitioners has been implicated in this case. It is further submitted by the learned counsel for the Petitioners that the

allegations made against the Petitioners are false and fabricated. There is case and counter case between the parties. It is also contended by the learned counsel for the Petitioners that the injuries sustained by the injured are not on the vital part of the body. It is submitted that since the Petitioners are the inhabitants of their villages, there is no chance of their absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioners 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 Petitioners and submits that since the offence alleged against the Petitioners is grievous in nature, no lenience should be shown to the Petitioners and the investigation is going on. The learned Additional Standing Counsel accordingly urges rejection of the bail application of the Petitioners.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as accused stands on similar footing has already been released on bail and the period of custodial detention of the Petitioners, 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) 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) 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

