

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3476 of 2022

Dinabandhu Behera

....

Petitioner

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. 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 Rambha P.S.Case No.60 of 2022 corresponding to G.R.Case No.214 of 2022 pending in the Court of the learned J.M.F.C, Khallikote for alleged commission of offence under Sections 386, 294, 232, 324, 506 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 12.02.2022 and in the meantime investigation of the case has been completed and final charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that both the informant and the Petitioner are belonged to same village and due to purchase of fish there was

hot exchange of words between them and for which this false case has been foisted against the Petitioner. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is a permanent inhabitant of Ganjam 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 that the 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 charge sheet has been filed in this case, 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

