

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3480 of 2022

Babul @ Firoj @ Firoz Saha

.... Petitioner
Mr.A.K.Jena, 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 Kanas P.S.Case No.116 of 2017 corresponding to G.R.Case No.1885 of 2017 pending in the Court of the learned S.D.J.M, Puri for alleged commission of offence under Sections 399, 402 of the Indian Penal Code read with Section 4(b) of Explosive Substances Act, 1908 and 9(b) of Indian Explosive Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 09.03.2022 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 in order to harass him the petitioner has

been falsely implicated in this case. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is a permanent inhabitant of Khurda 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 Petitioner and several others had assembled in an abandoned place and were making preparation to commit dacoity. With the aforesaid submissions, learned Additional Standing Counsel urges rejection of the bail application of the Petitioner.

6. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the Petitioner, 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

