

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3495 of 2022

Sanjaya Naik

.... ***Petitioner***
Mr.J.K.Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.05.2022

Order No.

02.

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.
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 Parjang P.S. Case No.119 of 2022 corresponding to G.R.Case No.114 of 2022 pending in the Court of the learned J.M.F.C., Parjang for commission of an alleged offence under Sections 341,294,325,379,307,506,436/34 of the Indian Penal Code.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 11.03.2022. It is further contended by the learned counsel for the Petitioner that there is case and counter case between the parties and the injured who had sustained injuries has recovered and resumed his work as driver in the meantime. It is submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Dhenkanal district, there is no chance of

his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and he 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 Petitioner and submits that since case and counter case are pending, the prayer for bail of the Petitioner may not be considered at this juncture.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation made in the F.I.R. as well as the custodial detention of the Petitioner 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) 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 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 witnesses while on bail.
- vii) 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

(A.K. Mohapatra)
Judge

