

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3581 of 2022

Satyabrata Behera and another ***Petitioners***
Mr. Priya Ranjan Singh, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
17.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioners for bail in connection with Dhenkanal Town P.S. Case No.186 of 2022, corresponding to G.R. Case No.431 of 2022, pending in the file of learned S.D.J.M., Dhenkanal, for commission of alleged offences under Sections 294/506/307/34 of I.P.C. r/w. Sections 25/27 of Arms Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioners submits that the Petitioners are in custody since the date of their arrest, i.e. 31.03.2022. It is further submitted that the allegations made

against the Petitioners are false and baseless, however due to political rivalry between the parties, the present case has been foisted against the Petitioners only to harass them. The main allegation of assault against the accused persons, namely, Titu, Bali and Pandey and the present Petitioners are only present at the spot. The further submission is that in the meantime the investigation has substantially progressed and the main accused persons have already been arrested and forwarded to judicial custody. Since the Petitioners are resident of the locality, there is no chance to evade the trial of the case. Accordingly he prays for release of the Petitioners on bail on such terms and conditions as this Court deems fit and proper.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioners on the ground that serious allegations have been made against the Petitioners in the present case. He, however, submits that if granted bail, stringent conditions may be imposed on the present Petitioners.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioners and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioners on bail subject to stringent conditions. Let the Petitioners be released on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) each with one 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) They shall not indulge in similar nature of offence;
 - ii) They shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
 - iii) They shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
 - iv) They shall provide their address as well as their phone numbers to the concerned Police Station and keep the same updated in the event the same is changed in future;
 - v) They shall also appear before the concerned Police Station once in a fortnight, preferably on Sunday at 10 A.M. to 1 P.M., till conclusion of the trial;
7. Violation of any of the terms and conditions shall entail cancellation of bail.
8. With the aforesaid observation the BLAPL stands disposed of.
9. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge