

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3683 of 2022

Rohit Kuanrdar & others

..... Petitioners
Mr.R.N.Parija, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr. M.K.Mohanty, A.S.C.

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. Heard learned counsel for the Petitioners 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 Kutra P.S. Case No.110 of 2021 corresponding to G.R.Case No.556 of 2021 pending in the Court of the learned J.M.F.C., Rajgangpur for commission of an alleged offence under Sections 395 of the Indian Penal Code read with Sections 25/27 of the Arms Act.
5. It is submitted by the learned counsel for the Petitioners that the Petitioners are languishing in jail custody since 26.09.2021 and the Investigating Agency after completion of investigation, charge sheet has been submitted. It is further contended by the learned counsel for the Petitioners that on the basis of the co-accused statement, the Petitioners have been implicated in the present case. It is also submitted by the learned counsel for the Petitioners that the stolen motorcycle

has not been recovered from the possession of the Petitioners and no T.I. parade has been conducted by the Investigating Agency. It is submitted by the learned counsel for the Petitioners that since the Petitioners are the inhabitants of Sundargarh district, there is no chance of their absconding or fleeing from receiving justice. In the event of their release by this Court, the Petitioners shall appear before the trial court on each date of posting of the case and they are 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 they are hard core criminals and many cases are pending against them and accordingly learned Additional Standing Counsel urges rejection of the application of the Petitioners.

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 Petitioners and that they have been falsely implicated on the basis of co-accused statement, 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) each 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) they 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

