

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3695 of 2022

***Raju @ Rajendra Kumar Nayak
and another***

....

Petitioners

Chhabi Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, 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 Gurudijhatia P.S. Case No.18 of 2022, corresponding to G.R. Case No.117 of 2022, pending in the file of learned S.D.J.M. Athagarh, for commission of alleged offence under Sections 379/34 of I.P.C.
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. 22.03.2022. It is further submitted that police after completion

of investigation has filed charge-sheet against the Petitioners. He further submits that the present Petitioners are no way connected with the alleged incident and they have been falsely implicated in the present case by the police out of grudge. On the basis of confessional statement, both the Petitioners have been arrayed as accused persons in the present case. It is further submitted that the Petitioners are the only earning members of their family, due to their long detention in jail custody, they are suffering from acute starvation and mental agony. The further submission is that the investigation of the case has substantially been progressed in the meantime, therefore, there is no chance of the Petitioners avoiding the trial of the case. It is also submitted that Petitioners are ready and willing to abide by any terms and conditions in the event of release on bail.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner 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 phone numbers to the concerned Police Station and keep the same updated in the event the same is changed in future;
 - v) They shall 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