

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3717 of 2022

Tanmaya Behera @ Gudu

..... Petitioner
Mr. Bikram Rath, 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 Petitioner for bail in connection with Mancheswar P.S. Case No.51 of 2022, corresponding to C.T. Case No.1074 of 2022, pending in the file of learned S.D.J.M., Bhubaneswar, for commission of alleged offence under Sections 341/384/385/294 /379/323/307/506/34 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 Petitioner submits that the Petitioner is in custody since the date of his arrest, i.e. 19.02.2022. It is further submitted that Petitioner is not

connected with the alleged crime. The injury report of the Informant reveals that the injuries sustained by the injured are simple in nature. It is further submitted that the Petitioner is the only earning member of his family, due to his long detention in jail custody, the family members are suffering from acute starvation and mental agony. He also submits that the co-accused person, namely, Soumya Ranjan Parida approached this Court in BLAPL No.2832 of 2022 has been released on bail. It is also submitted that Petitioner is 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 Petitioner in the present case. He, however, submits that if granted bail, stringent conditions may be imposed on the present Petitioner.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner 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) He shall not indulge in similar nature of offence;

ii) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;

iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;

iv) He shall provide his address as well as phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;

v) He 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