

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3723 of 2022

Thengu @ Samir Naik @ Sameer ***Petitioner***
Nayak

Mr. Pratap Kumar Nayak, 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 Rasol P.S. Case No.09 of 2022, corresponding to G.R. Case No.27 of 2022, pending in the file of learned S.D.J.M., Hindol, for commission of alleged offences under Sections 450/395/397/201/120(B) 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. 17.01.2022. It is further submitted that police after completion

of investigation has filed charge-sheet against the Petitioner. It is submitted that basing upon the statement of the co-accused persons, the present Petitioner is arrayed as an accused and the statement recorded u/s.161 Cr.P.C. before the police is heat u/s.25 of the Evidence Act and is not admissible in law. No incriminating material has been seized from the conscious possession of the present Petitioner. In the meantime, T.I. parade has been conducted but Petitioner has not been identified in the said examination. It is further submitted that Petitioner has old parents and due to long detention inside jail custody, his family members are suffering from starvation for which the prayer of the Petitioner for bail may kindly be considered sympathetically. Further, the co-accused persons, namely, Sunil @ Sipu Naik in BLAPL No.1250/2022, disposed of on 06.05.2022, Samir Sahoo in BLAPL No.1905 of 2022, disposed of on 27.04.2022 and Aji @ Ajit Sahoo @ Aji Kumar Sahoo in BLAPL No.2017 of 2022 disposed of on 05.05.2022 have been released on bail by this Court.

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) with one solvent surety 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 his 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