

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3733 of 2022

Kenda @ Hadibandhu Behera ***Petitioner***
Mr. P.S. Nayak, Advocate
-versus-

State of Odisha ***Opposite Party***
Mr. K.K. Nayak, 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 Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in G.R. Case No.467 of 2022 arising out of N.T.P.C. P.S. Case No.366 of 2022 pending in the court of learned S.D.J.M., Talcher for commission of offence punishable under Sections 451/386/34, I.P.C. read with Sections 25 and 27 of the Arms Act.
5. It is submitted by learned counsel for the Petitioner that the petitioner has been falsely implicated in this case and on similar footing with the co-accused persons have already been released on bail by this Court by order dated 26.04.2022 in BLAPL No.2512 of 2022. He further submits that the petitioner is in custody since 02.03.2022 and he does not have any criminal antecedent of similar nature.

6. Mr. Nayak, learned Additional Standing Counsel for the State vehemently, opposes the prayer for bail of the Petitioner and submits that the petitioner will influence the prosecution witnesses after releasing the bail.

7. Having heard learned counsel for the parties and considering the allegations made against the Petitioner, co-accused persons have already been released on bail and period of detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not be involved in any offence of similar nature, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever and shall not make any default in attending the court during trial on each date. Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

9. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents. In the event it is found that the Petitioner has any such criminal antecedents, this bail order shall automatically stands revoked.

10. The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

