

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3895 of 2022

Kulu @ Kala Dash and another ***Petitioners***
Mr. S.S. Ray-2, Advocate
-versus-

State of Odisha ***Opposite Party***
Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
18.05.2022

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The petitioners are accused in G.R. Case No.271 of 2022 arising out of Gangapur P.S. Case No.98 of 2022 pending in the court of learned J.M.F.C., Aska for commission of offence punishable under Section 341/294/323/307/506/34, I.P.C.
5. It is alleged that there was a village meeting held celebrating Nama Jagya and decided to that all the villagers will cooperate and the petitioner did not attend the said meeting for which the present petitioner assaulted the informant. Hence, this case.

6. It is submitted by learned counsel for the Petitioner that the petitioner has been falsely implicated in the present case and that the petitioner is in custody since 10.03.2022 and investigation of the case has been completed and charge-sheet in the case has been submitted. He also submits that the petitioner does not have any criminal antecedents and there is no scope for absconding or fleeing from the hands of the justice and that the bail application of the petitioner may be considered.

7. 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 on bail. However, he submits that if the petitioner is released on bail, stringent conditions may be imposed on the petitioner.

8. Having heard learned counsel for the parties and considering the period of custodial 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 :-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever; and
- III. he shall not make any default in attending the

court during trial on each date without fail;

Violation of any of the terms and conditions shall entail cancellation of bail.

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

10. 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 of similar nature. In the event it is found that the Petitioner has any criminal antecedents, this bail order shall automatically stand revoked.

11. It is made clear that if the petitioner fails to attend the court on the date fixed on a single occasion, this order shall stand automatically revoked and the learned court below is at liberty to issue N.B.W. against the petitioner forthwith.

12. The Bail Application is accordingly disposed of.

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

(A.K. Mohapatra)
Judge