

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3923 of 2022

Babu Khan

..... Petitioner

Mr. M.K. Mallick, Advocate

-versus-

State of Odisha

..... Opposite Party

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.05.2022

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 as well as statement of the witnesses.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 4. The petitioner is an accused in C.T. Case No.117 of 2022 arising out of Gurudijhatia P.S. Case No.18 of 2022 pending in the court of learned S.D.J.M., Athagarh for commission of offence punishable under Sections 379/34, I.P.C.
 5. 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 23.02.2022 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. It is also submitted that on similar footing with the present petitioner, another co-accused has already been released on bail by this Court in BLAPL No.3695 of 2022.

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. The Bail Application is accordingly disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

