

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3944 of 2022

Lipu @ Sangram Kishore Mallick ***Petitioner***
Mr.Dillip Ku.Mohanty, 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 as well as the learned Additional Standing Counsel for the State.
4. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Olatpur P.S. Case No.45 of 2022 corresponding to G.R.Case No.972 of 2022 pending in the Court of the learned J.M.F.C.(Rural), Cuttack for commission of an alleged offence under Section 394 of the Indian Penal Code.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 19.04.2022. It is further contended by the learned counsel for the Petitioner that on the basis of the co-accused statement, the present Petitioner has been implicated in this case. It is submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Cuttack district, there is no chance of his absconding or fleeing from receiving justice. In the event

of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and he is ready and willing to abide by the conditions that may be imposed by this Court.

6. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that the Petitioner is a habitual offender and involved in series of cases pending in different Police Stations. Accordingly learned Additional Standing Counsel urges rejection of the application of the Petitioner.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation made in the F.I.R. as well as the custodial detention of the Petitioner and the fact that basing on the co-accused statement he has been implicated in this case, this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local 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 appear before the concerned Police Station in a week preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not tamper with the prosecution evidence while on bail.
- v) shall not influence or threaten any prosecution evidence while on bail.
- vi) Violation of any of the terms and conditions shall entail cancellation of bail.

8. The trial court may also impose any other condition(s) as deem fit and proper.
9. The Bail Application is accordingly disposed of.
10. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

