

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3967 of 2022

Niranjan Das

.... ***Petitioner***
Mr. Abhilash Mishra, 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 Banarpal P.S. Case No.118 of 2021 corresponding to G.R.Case No.335 of 2022 pending in the Court of the learned J.M.F.C., Banarpal for commission of an alleged offence under Sections 341,294,323,325,307 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 31.03.2022. It is further contended by the learned counsel for the Petitioner that the Petitioner has been falsely implicated in the case and on perusal of the F.I.R. reveals that the ingredients of the alleged offences are not made out against the Petitioner. It is submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Angul district,

there is no chance of his absconding or fleeing from receiving justice. In the event of their 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 has many other criminal cases against him. 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 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 cash security of Rs.10,000/- (Rupees Ten thousand) and 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 once in a fortnight 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

