

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3983 of 2022

Minaketan Nayak

....

Petitioner

Mr.Akshaya Ku.Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C.Das, 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 Begunia P.S. Case No.166 of 2021 corresponding to S.T.Case No.20 of 2022 pending in the Court of the learned 2nd Additional Sessions Judge, Khurda for commission of an alleged offence under Sections 366,365,323,506,307/34 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 18.03.2022 and after completion of investigation, the Investigating Agency submitted charge sheet in this case. It is further contended by the learned counsel for the Petitioner that the injuries sustained by the injured are simple in nature. On the direction of the Police, the informant has lodged the F.I.R. after

one month of the occurrence. It is also submitted by the learned counsel for the Petitioner that the co-villagers who have been cited by prosecution as witnesses have not supported the prosecution. It is also submitted by the learned counsel for the Petitioner that the principal accused Manasranjan Das @ Gurujee has been released on bail by this Court in BLAPL No.10089 of 2021. It is submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Khurda 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 considering the nature and gravity of the offence no leniency should be shown to the Petitioner. 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 the principal accused has been released on bail by this Court in BLAPL No.10089 of 2021, 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 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

