

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3988 of 2022

***Ashian @ Gourav Mallick &
another***

....

Petitioners

Mr.Trilochan Nanda, 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 Petitioners 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 Petitioners to release them on regular bail in connection with Bargarh Town P.S. Case No.140 of 2022 corresponding to C.T.Case No.327 of 2022 pending in the Court of the learned S.D.J.M., Bargarh for commission of an alleged offence under Sections 457,380 of the Indian Penal Code.
5. It is submitted by the learned counsel for the Petitioners that the Petitioners are languishing in jail custody since 01.04.2022. It is further contended by the learned counsel for the Petitioners that the Petitioners have no nexus with the alleged offences and this case has been foisted against the Petitioner with concocted allegations. It is submitted by the learned counsel for the Petitioners that since the Petitioners are the

inhabitants of Bargarh district, there is no chance of their absconding or fleeing from receiving justice. In the event of their release by this Court, the Petitioners shall appear before the trial court on each date of posting of the case and they are 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 Petitioners and submits that since the Petitioners have confessed to have committed the alleged crime, their bail application should be rejected.

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 Petitioners and it is directed that let the Petitioners be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) each 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) They shall not indulge in similar nature of offence;
- ii) They shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
- iii) They shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
- iv) They shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;
- v) They shall appear before the concerned Police Station once in a week, preferably on Sunday at 10 A.M. to 1 P.M., till filing of charge sheet;

- 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

