

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4182 of 2022

Debi Prasad Biswal @ Devi Prasad ***Petitioner***
Biswal @ Bicky

Mr.S.R.Mohapatra, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
19.05.2022

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 Chandrasekharpur P.S. Case No.96 of 2022 corresponding to C.T.Case No.1589 of 2022 pending in the Court of the learned S.D.J.M., Bhubaneswar for commission of an alleged offence under Section 420 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 23.02.2022. It is further contended by the learned counsel for the Petitioner that the Petitioner has never cheated the informant nor he has taken any cash from the informant at any point of time and he has been falsely implicated in this case. It is submitted by the learned counsel for the Petitioner that since

the Petitioner is the inhabitant of Jajpur 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 Petitioners and submits that the Petitioner induced the victim to hand over Rs.5,20,000/- to him on the pretext of providing her a job in the Postal department. He further contends that such type of offences are increasing day by day. Accordingly, learned Additional Standing Counsel urges rejection of the bail 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 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) he shall not indulge in similar nature of offence;
- ii) he shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
- iii) he shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
- iv) he 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) he shall appear before the concerned Police Station in a fortnight 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

