

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4199 of 2022

Malaya Singh

.... ***Petitioner***
Mr. S. Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K. Nayak, 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 and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The petitioner is an accused in C.T. Case No.333 of 2022 arising out of Badasahi P.S. Case No.112 of 2022 pending in the court of learned J.M.F.C., Betnoti for commission of offence punishable under Sections 380/409/417/420/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in this case and he is a driver and is in custody since 26.04.2022 and he does not have any criminal antecedent of similar nature. He further submits that the stolen articles were recovered.
6. Mr. Nayak, learned Additional Standing Counsel for the State vehemently, opposes the prayer for bail of the petitioner and submits

that the petitioner will influence the prosecution witnesses after releasing the bail.

7. Having heard learned counsel for the parties and considering the allegations made against the petitioner and period of detention of the petitioner, it is directed that let the petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that:-

- I. The petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. he shall not make any default in attending the court during trial on each date; and
- IV. he shall not cause any harassment to the informant-father.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

9. It is made clear that if the petitioner fails to attend the court on the date fixed on a single occasion, this order shall stand automatically revoked and the learned court below is at liberty to issue N.B.W. against the petitioner forthwith.

10. The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge