

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4244 of 2022

Suman Bahadur

.... ***Petitioner***
Mr. B.K. Raj, 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 as well as statement of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The petitioner is an accused in G.R. Case No.140 of 2022 arising out of Baidyanathpur P.S. Case No.19 of 2022 pending in the court of learned S.D.J.M., Berhampur for commission of offence punishable under Sections 451/394/34, I.P.C.
5. It is alleged that while the informant was sitting his shop, three known persons forcibly entered into his shop closed the shutter and threatened him and took away cash from the draw of the table and the culprits had dropped a mobile phone at the spot. Hence, this case.
6. It is submitted by learned counsel for the petitioner that the

F.I.R. lodged by the petitioner against unknown persons and the petitioner has been falsely implicated in the present case and that he is in custody since 24.01.2022 and investigation of the case has been completed and charge-sheet in the case has been submitted. He also submits that the petitioner does not have any criminal antecedents and there is no scope for absconding or fleeing from the hands of the justice and that the bail application of the petitioner may be considered.

7. 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 on bail. However, he submits that if the petitioner is released on bail, stringent conditions may be imposed on the petitioner.

8. Having heard learned counsel for the parties and considering the period of custodial 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; and
- III. he shall not make any default in attending the court during trial on each date without fail; and
- IV. he shall appear before the concerned Police Station once in a week preferably on 'Sunday' in

between 10.00 A.M. to 1.00 P.M. till conclusion
of trial;

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

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

10. It is further directed that the bail granted to the petitioner is
subject to the condition that learned court below shall verify whether
the petitioner has any criminal antecedents of similar nature. In the
event it is found that the petitioner has any criminal antecedents, this
bail order shall automatically stand revoked.

11. The Bail Application is accordingly disposed of.

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

(*A.K. Mohapatra*)
Judge

Jagabandhu

