

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4438 of 2022

Laxman Mahanta

.... Petitioner
Mr. S. Pr. Das, Advocate

-versus-

State of Odisha

.... Opposite Party
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
20.05.2022

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 G.R. Case No.85 of 2022 arising out of Baria P.S. Case No.34 of 2022 pending in the court of learned S.D.J.M., Champua for commission of offence punishable under Section 420, 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 in custody since 04.03.2022 and he does not have any criminal antecedent of similar nature.
6. Mr. Mohanty, leaned 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. In course of hearing, learned counsel for the petitioner on instruction undertakes to return a sum of Rs.60,000/-(rupees sixty thousand) to the informant. Initially a sum of Rs.20,000/- (twenty thousand) and thereafter balance amount of the Rs.40,000/- in two equal installments.

8. 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; and
- III. he shall not make any default in attending the court during trial on each date;

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 petitioner shall initially par a sum of Rs.20,000/- (rupees twenty thousand) and balance amount within

two months in two equal installments as agreed and undertaken by the petitioner failing which, this order shall stand automatically revoked and the learned court below is at liberty to issue N.B.W. against the petitioner forthwith.

11. The Bail Application is accordingly disposed of.

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

(*A.K. Mohapatra*)
Judge

Jagabandhu

