

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4450 of 2022

Md. Ekbal

..... Petitioner
Mr. Arijeet Mishra, Advocate

-versus-

State of Odisha

..... Opposite Party
Mr. K.K. Nayak, ASC for State

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. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Joda P.S. Case No.66 of 2022, corresponding to G.R. Case No.220 of 2022, pending in the file of learned J.M.F.C., Barbil, for commission of alleged offences under Sections 147/148/149/186/294/323/341 /353/332/506/153-A/120-B/295-A/307 of I.P.C. read with Section 4 of PDPP Act and Section 7 of Criminal Law Amendment Act, 1983
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e.

13.04.2022. It is further submitted that there is no specific overt act has been attributed by the Petitioner to implicate the present Petitioner in the alleged crime. That the Petitioner is a permanent resident of the locality, therefore, there is no chance to evade the trial of the case. It is also submitted that Petitioner is ready and willing to abide by any terms and conditions as would be fixed by this Court in the event of bail.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner on the ground that he is involved in serious offence. Therefore, no leniency should be shown to the Petitioners. Accordingly, he prays for rejection of his bail application.

6. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the terms and conditions as would be deem fit and proper by the trial court including one condition that the Petitioner will appear before the local police station once in a fortnight, preferably on Sunday from 10 AM. To 1 PM, till end of trial. Failure to comply the above terms and conditions as fixed by this Court as well as the trial court, shall automatically revoke the order of bail. In such event, the trial court shall immediately issue NBW against the Petitioner and take him to judicial custody.

7. With the above direction, the BLAPL is accordingly allowed.

8. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

