**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.4481 of 2022**

***DhiraNayak @ Dhira Ranjan Nayak and another*** .... ***Petitioners***

*Mr.Amitav Tripathy, Advocate*

*-versus-*

***State of Odisha*** .... ***Opposite Party***

*Mr. P.C.Das, A.S.C.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**Order No.** **20.05.2022**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioners as well as the learned Additional Standing Counsel for the State.

3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioners to release them on regular bail in connection with Nayagarh P.S. Case No.41 of 2022 corresponding to G.R.Case No.204 of 2022 pending in the Court of the learned S.D.J.M., Nayagarh for commission of an alleged offence under Sections 399/402 of the Indian Penal Code.

4. It is submitted by the learned counsel for the Petitioners that the Petitioners are languishing in jail custody since 10.04.2022. It is further submitted by the learned counsel for the Petitioners that the allegations made in the F.I.R. are omnibus in nature and there is absolutely no allegation of any specific overt act against the

Petitioners. It is also submitted by the learned counsel for the Petitioners that since the Petitioners the inhabitants of Nayagarh district, there is no chance of their absconding or fleeing from receiving justice. In the event of their release by this Court, the Petitioners shall appear before the trial court on each date of posting of the case and is ready and willing to abide by the terms and 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 Petitioners are habitual offenders involved in many cases of different Police Stations of Nayagarh district. Accordingly, learned counsel for the State urges rejection of the bail application of the Petitioners.

7. Considering the aforesaid submissions and keeping in view the surrounding circumstances of the case and the period of custodial detention of the Petitioners, this Court is inclined to grant bail to the Petitioners and it is directed that let the Petitioners 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 for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

i) he shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.

ii) shall not indulge in any offence of similar nature

iii) shall not tamper with the prosecution evidence while on bail.

iv) shall not influence or threaten any prosecution witnesses while on bail.

v) shall appear before the concerned P.S. once in a week

preferably on Sunday between 10A.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

***( A.K. Mohapatra )***
***Judge***