

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4499 of 2022

**Subash Chandra Mohanty @
Gilty Kalu**

....

Petitioner

Mr. Kaustuva Mohanty Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C.Das, 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 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 Petitioner to release him on regular bail in connection with Kumbharpada P.S. Case No.10 of 2022 corresponding to G.R.Case No.78 of 2022 pending in the Court of the learned S.D.J.M., Puri for commission of an alleged offence under Sections 294, 353, 386, 387, 506 of the Indian Penal Code read with Section 4 & 5 of Explosive Substances Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 13.01.2022 and after completion of investigation charge sheet has been submitted by the Investigating Agency. It is also submitted by the learned counsel for the Petitioner that though the Petitioner has absolutely played no role in

the alleged incident but due to the revengeful attitude and vindictiveness of the informant he has been unnecessarily entangled in this case without having any fault. It is further submitted by the learned counsel for the Petitioners that since the Petitioners are the inhabitants of Puri district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner 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 Petitioner is a harden criminal having a long criminal record. Accordingly, learned counsel for the Petitioner 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 Petitioner, this Court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner 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 Police Station once in a week preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
 - vi) In the event of violation of any of the above conditions, this order shall stand automatically revoked and it is open for the learned court below to issue N.B.W. against the Petitioner and take back the Petitioner to custody.
 - 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

