

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4501 of 2022

Jayabrata Dey & another

.... ***Petitioners***
Mr.B.Sahoo, 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 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 Dhanupali P.S. Case No.89 of 2022 corresponding to G.R.Case No.1082 of 2022 pending in the Court of the learned S.D.J.M., Sambalpur for commission of an alleged offence under Sections 147, 148, 341, 323, 307, 294, 450, 353, 186, 332, 506/149 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 21.03.2022 and it is also submitted by the learned counsel for the Petitioners are no way connected with the alleged crime and they have been falsely implicated by the informant only to take revenge against the Petitioner. It is further submitted by the learned counsel for the Petitioners that the Petitioner

No.1 is the Ex-SDA Chairman of Sambalpur and he is also a social activist who raises his voice against injustice, corruption, arms trafficking, drugs trafficking and unholy alliance of district administration. It is further submitted by the learned counsel for the Petitioners that since the Petitioners are the inhabitants of Sambalpur 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 is a habitual offender and has criminal antecedents. It is also submitted that there is every chance of tampering with the evidence as the Petitioner No.1 is an influential person. 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 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) they 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) In the event any further allegation of similar nature is received, 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

