

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4502 of 2022

Jayabrata Dey

.... ***Petitioner***
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 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 Dhanupali P.S. Case No.93 of 2022 corresponding to G.R.Case No.1165 of 2022 pending in the Court of the learned S.D.J.M., Sambalpur for commission of an alleged offence under Sections 386/34 of the Indian Penal Code read with Section 25/27 of Arms Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is no way connected with the alleged crime and he has been falsely implicated by the informant only to take revenge against the Petitioner. It is further submitted by the learned counsel for the Petitioner that the Petitioner 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 also submitted by the learned counsel for the Petitioner that co-accused has already been released on bail by the learned S.D.J.M., Sambalpur. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Sambalpur 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 Petitioner and submits that the Petitioner 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 is an influential person. Accordingly, learned counsel for the Petitioner urges rejection of the bail application of the Petitioner.

7. Considering the aforesaid submissions and keeping in view the surrounding circumstances of the case and the period of custodial detention of the Petitioner and keeping in view the fact that co-accused has been released on bail, 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) 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) 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

