

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4508 of 2022

Rajesh Kumar Shaw

.... ***Petitioner***
Mr.P.R.Singh, 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 Kantabania P.S. Case No.132 of 2021 corresponding to G.R.Case No.624 of 2021 pending in the Court of the learned S.D.J.M., Hindol for commission of an alleged offence under Section 379 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 08.04.2022. It is also submitted by the learned counsel for the Petitioner that the Petitioner is no way connected with the alleged crime, he is neither named in the F.I.R. nor any role played in the aforesaid incident. It is also submitted by the learned counsel for the Petitioner that nothing has been recovered from the possession of the Petitioner and other co-accused

has already been granted bail. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Angul 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 allegations made against the Petitioner is heinous in nature . Moreover the Petitioner is involved in a series of offence of like nature, which are pending in different Police Stations of Dhenkanal district. 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 entire facts 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) 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

