

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3570 of 2021

Ananda Naik

.... ***Petitioner***
Mr. P.S. Nayak, Advocate

Versus

State of Orissa

.... ***Opposite Party***
Mr. S.S. Pradhan, A.G.A.

CORAM:
JUSTICE SAVITRI RATHO

ORDER
06.01.2022

Order No.

- 06.
1. This matter is taken up by hybrid mode.
 2. Heard Mr. P.S. Nayak, learned counsel for the petitioner and Mr. S.S. Pradhan, learned Addl. Govt. Advocate for the State.
 3. This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioner- Ananda Naik in connection with Talcher P.S. Case No.99 of 2021 corresponding to G.R. Case No.472 of 2021 pending in the Court of learned S.D.J.M., Talcher for commission of offence punishable under Sections 395/397 of the I.P.C. read with Sections 25 and 27 of the Arms Act.
 4. The petitioner had moved an application for bail before the Court of learned Addl. Sessions Judge, Talcher which was rejected on 16.04.2021.
 5. The allegation against the petitioner is that on 15.03.2021 at about 3.00 a.m. the informant along with his brother-in-law Bhabagrahi Behera and his friend Saktiswar Behera had gone to Thermal weekly market in a pickup van. On the way near Talabeda

Petrol Pump five to six persons came in front of the vehicle and stopped it and out of them one went to driver Saktiswar Behera and threatened with a Bhujali. When Bhabagrahi opposed them the culprits snatched away cash of Rs.20,000/- and a mobile phone from him on the point of Bhujali. They also snatched away cash of Rs.45,500/- and one mobile phone from the informant and assaulted him by means of Bhujali causing bleeding injury on his hand and shoulder. The culprits snatched away cash of Rs.13,700/- and a mobile phone from the driver Saktiswar Behera and fled away from the spot. After the accused persons have been arrested, the petitioner has been put to T.I. parade and has been identified by the witnesses. The petitioner is indentified to be the person who has assaulted the informant with Bhujali causing injuries on him.

6. Mr. Nayak, learned counsel for the petitioner submits that the petitioner is in custody since 16.03.2021 and co-accused persons standing on similar footing (who have also been identified in the T.I. parade) have been released on bail in BLAPL No.5913 of 2021 and BLAPL No.3983 of 2021 for which he prays that the petitioner may also be granted bail.

7. Mr. Pradhan, learned Addl. Govt. Advocate opposed the prayer for bail stating that the petitioner has been identified in the T.I. parade and the petitioner has also led to discovery of the weapon of offence namely the Bhujali and given recovery of Rs.10,000/- and he has caused injuries with bhujali on the informant.

8. Considering the allegations against the petitioner and nature of materials collected against him and his identification in the T.I. parade, I am not inclined to release the petitioner on bail.

9. The BLAPL is accordingly dismissed.
10. It is open to the petitioner to move the trial Court for bail afresh after commitment of the case to the Court of Session.
11. Urgent certified copy of this order be granted on proper application.

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(Savitri Ratho)
Judge

Sukanta

