

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4518 of 2022

Dinesh Kumar Bhoi

....

Petitioner

Mr. Ramdas Acharya, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, ASC for State

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. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Khandagiri P.S. Case No.42 of 2022, corresponding to C.T. Case No.565 of 2022, pending in the file of learned S.D.J.M., Bhubaneswar, for commission of alleged offences under Sections 395/34 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that Petitioner is languishing in jail custody since the date of his arrest, i.e. 27.01.2022. It is submitted that as per the allegation one mobile phone and purse containing ATM card etc. have been snatched away from the victim. The further submission is that Petitioner

is an innocent person and a false case has been foisted against him in the alleged crime. It is also submitted that there is no cogent, substantial, circumstantial evidence to prove the offence and further Petitioner is a law abiding person and will abide by any terms and conditions imposed by this Court in the event of release on bail. Moreover, Petitioner has one criminal antecedent, except that one, he has no criminal antecedents.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner on the ground that he is involved in serious offence. Therefore, no leniency should be shown to the Petitioners. Accordingly, he prays for rejection of his bail application.

6. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two solvent sureties for the like amount to the satisfaction of the learned court in seisin of the matter subject to the terms and conditions as would be deem fit and proper by the trial court. It is needless to say that except one antecedent if Petitioner is found to have any other criminal antecedents, this order shall automatically stands revoked.

7. With the above direction, the BLAPL is accordingly allowed.

8. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

