

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4527 of 2022

Sri Anil Patra and another ***Petitioners***
Mr. Jeetendra Sahu, 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 Petitioners for bail in connection with Barkote P.S. Case No.141 of 2022, corresponding to C.T. Case No.414 of 2022, pending in the file of learned S.D.J.M., Deogarh, for commission of alleged offences under Sections 384/506/34 of I.P.C. r/w. Sections 25/27 of Arms Act, 1959.
3. During course of hearing learned counsel for the Petitioner does not want to press this bail application in respect of Petitioner No.2. In view of the above, bail application in respect of Petitioner No.2 is dismissed as not pressed. Accordingly, the bail application is confined to Petitioner No.1 only.

4. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.

5. Learned counsel for the Petitioner No.1 submits that Petitioner No.1 is languishing in jail custody since the date of his arrest, i.e. 28.03.2022. It is further submitted that the accused Tukuna Rana and Lalmohan Jamuda have been released on bail by the court below. Further the entire allegation has been made against one Rakesh Sahu and not against the present Petitioner No.1. It is further submitted that Petitioner No.1 is a permanent resident of the area, therefore there is no chance to evade the trial of the case. It is also submitted that Petitioner No.1 is ready and willing to abide by any terms and conditions as would be fixed by this Court in the event of bail.

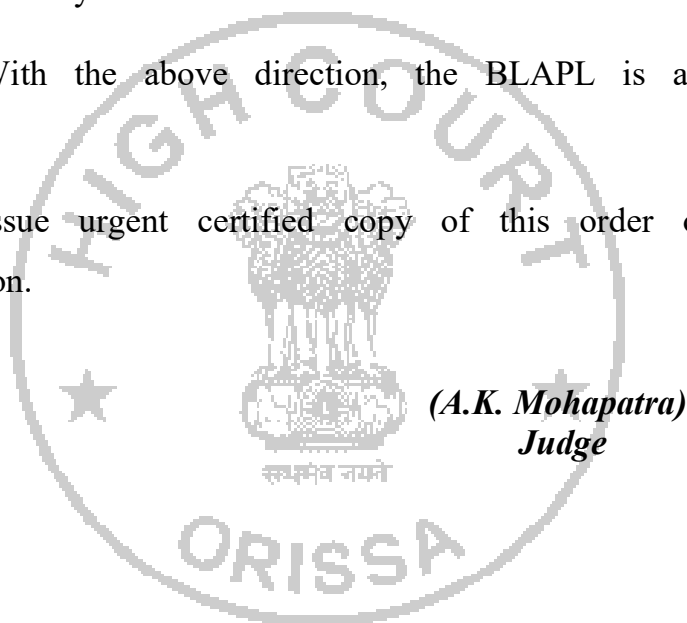
6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner No.1 on the ground that he is involved in serious offence. Therefore, no leniency should be shown to the Petitioner No.1. Accordingly, he prays for rejection of his bail application.

7. 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 no.1 on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety 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 deemed fit and proper

by the trial court including one condition that the Petitioner No.1 will appear before the local police station once in a fortnight, preferably on Sunday from 10 AM. To 1 PM, till end of trial. Further, he shall not involve in any criminal activity during the period of bail. Failure to comply the above terms and conditions as fixed by this Court as well as the trial court, shall automatically revoke the order of bail. In such event, the trial court shall immediately issue NBW against the Petitioner No.1 and take him to judicial custody.

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

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



U.K.Sahoo