

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4565 of 2022

Rakesh Kumar Das @ Raka

.... ***Petitioner***
M/s. S.Mohanty, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Pattnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

23.11.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Kandarpur P.S. Case No.246 of 2021 corresponding to S.T. Case No.24 of 2022 pending in the Court of learned C.J.M.-cum-A.S.J., Cuttack for commission of offence punishable U/Ss. 332/353/323/324/307 of the I.P.C. read with Sections 25/27 of Arms Act on the allegation of firing at the police party trying to nab him and thereby attempted to kill the member of the police party.
 3. In the course of hearing of the bail application, Mr.S.Mohanty, learned counsel for the petitioner submits that the petitioner is inside jail custody since 16.10.2021 and in the meanwhile already one year has passed and the petitioner has been falsely implicated in this case and the facts of the case reveals that the petitioner was shot at by the police party and got injured and thereafter, he was captured. Learned counsel on the aforesaid submissions, prays to enlarge the petitioner on bail.
 4. On the contrary, learned counsel for the State, however,

strongly opposes the bail application of the petitioner by inter-alia submitting that the petitioner is a habitual offender and there are twelve cases pending against him and, therefore, the petitioner should not be enlarged on bail.

5. Considering the rival submissions made, nature and gravity of accusations against the petitioner as also the nature of offence alleged against him, the circumstance in which the petitioner was apprehended, keeping in view the pre-trial detention of the petitioner and regard being had to the fact that although there is some criminal antecedents against the petitioner but only few cases are of recent origin and thus, taking into consideration other circumstance in entirety, this Court grants bail to the petitioner.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday of every month in between 10 A.M. to 12 Noon for three months from the date of release from the custody. The I.I.C. of jurisdictional Police Station i.e. Kandarpur Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

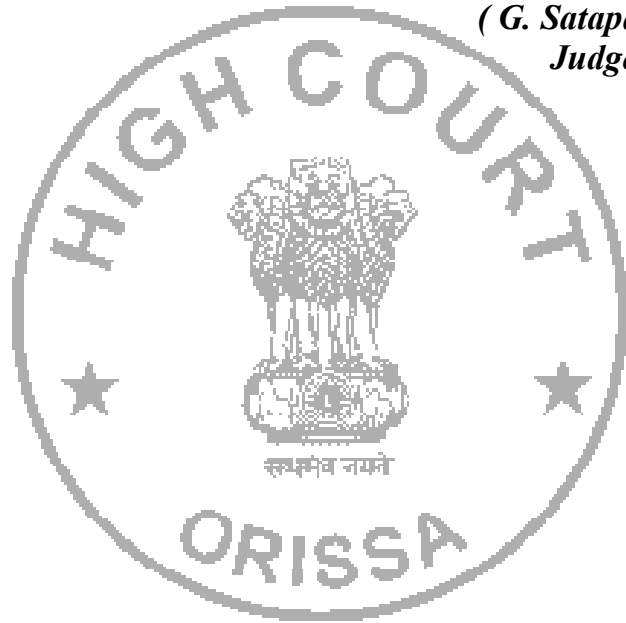
It is clarified that the Court in seisin of the case will be at

liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

Kishore



*(G. Satapathy)
Judge*