

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4851 of 2022

Sunil Kumar Mohapatra

.... ***Petitioner***
Mr.P.R.Singh, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. D.K.Pani, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.06.2022

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 Motonga P.S. Case No.31 of 2022 corresponding to G.R.Case No.198 of 2022 pending in the Court of the learned S.D.J.M., Dhenkanal for commission of an alleged offence under Sections 457 & 394 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 12.02.2022 and charge sheet has been submitted in the meantime. It is also submitted by the learned counsel for the Petitioner that the stolen article has been

recovered and the investigation has been completed. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Dhenkanal 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 are 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 on the ground of gravity of the offence.

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 the stolen article has been recovered and charge sheet has been submitted after completion of investigation, 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 each to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- i) he shall appear before the Investigating Officer once in a fortnight for a period of six months.
- ii) he shall appear before the trial court on each date of posting till conclusion of trial.
- iii) shall not indulge in any offence of similar nature
- iv) shall not tamper with the prosecution evidence while on bail.
- v) shall not influence or threaten any prosecution witnesses while on bail.
- vi) 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)
Vacation Judge

