

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4861 of 2022

Rajesh Kumar Shaw

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

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K.Zafrulla, 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 Balimi P.S. Case No.61 of 2022 corresponding to G.R.Case No.194 of 2022 pending in the Court of the learned S.D.J.M., Hindol for commission of an alleged offence under Sections 379/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioners are languishing in jail custody since 26.04.2022. It is also submitted by the learned counsel for the Petitioner that the Petitioner has not been named in the F.I.R. nor any role played in the aforesaid incident. He has been implicated on the basis of the statement of confession before the Police while in custody. He also submits that the investigation of the case has been substantially progressed and the

petitioner has no criminal antecedents. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Angul 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 and submits that the offence alleged are serious in nature and the petitioner along with other culprits are involved in a series of cases of similar nature and also involved in some other serious offense like dacoity and robbery and some incriminating stolen articles have been seized by the I.O.

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 Petitioner has not been named in the F.I.R. and no role has been played in the present incident, this Court is inclined to grant bail to the Petitioners 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) shall not indulge in any offence of similar nature
- iii) shall not tamper with the prosecution evidence while on bail.
- iv) shall not influence or threaten any prosecution witnesses while on bail.

- v) 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

