

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4891 of 2022

Tikeswar Naik & others

.... Petitioners
Mr.Sujit Ku. Das, 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 Petitioners 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 Petitioners to release them on regular bail in connection with Hindol P.S. Case No.35 of 2022 corresponding to G.R.Case No.109 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 Petitioners that the Petitioners are languishing in jail custody since 26.04.2022. It is also submitted by the learned counsel for the Petitioners that the petitioners have not been identified in the T.I. parade, but due to confessional statements of co-accused persons, they have been implicated in the present case. He also submits that the investigation of the case has been substantially progressed and the petitioners have no criminal

antecedents. It is further submitted by the learned counsel for the Petitioners that since the Petitioners are the inhabitants of Dhenkanal district, there is no chance of their absconding or fleeing from receiving justice. In the event of their release by this Court, the Petitioners 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 Petitioners and submits that the offence alleged are heinous in nature and the petitioners along with other culprits are involved in stealing huge quantity of GI tower members and plates from power grid towers of 765 KV D/C Angul Srikakulam Transmission Line near village Amethi, P.S. Hindol.

7. Considering the aforesaid submissions and keeping in view the entire facts of the case and the period of custodial detention of the Petitioners and keeping in view the fact that the Petitioners have not been identified in the T.I. Parade and they have been implicated in the present case on the basis of co-accused statement, this Court is inclined to grant bail to the Petitioners and it is directed that let the Petitioners be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) each 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) they shall appear before the Investigating Officer once in a week 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

