

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5237 of 2022

Shiva Prasad Sahu @ Siba Prasad Sahu ***Petitioner***

Mr. D. Panda, Sr. Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S.R. Roul, A.S.C.

BLAPL No.5259 of 2022

Jitendra Sahu @ Domb and another ***Petitioners***

Mr. D. Panda, Sr. Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S.R. Roul, A.S.C.

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
29.11.2022**

Order No.

BLAPL No.5237 of 2022 & BLAPL No.5259 of 2022

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Since these two bail applications of the petitioner Shiva Prasad Sahu @ Siba Prasad Sahu in BLAPL No.5237 of 2022 and the petitioners Jitendra Sahu @ Domb and Jitu Sahu in BLAPL No.5259 of 2022 arise out of one and same order in the same case, both these bail applications are heard together and disposed of by this common order with the consent of the parties.

3. These are applications U/S. 439 of Cr.P.C. by the petitioners for grant of bail in connection with Kesinga P.S. Case No.178 of 2022 corresponding to C.T. Case No.171 of 2022 pending in the Court of learned J.M.F.C., Kesinga for commission of offences punishable under Sections 419/420/120-B/34 of IPC, on the allegation of cheating the innocent villagers of Palam by taking their Aadhar Cards and finger prints to swindle money from their accounts.

4. In the course of hearing of the bail applications, Mr. D. Panda, learned Senior Counsel for the petitioners submits that the petitioners are inside judicial custody since 11.05.2022 and all the offences alleged against them are triable by Magistrate First Class and punishable with maximum imprisonment for seven years and, the petitioners, therefore, may kindly be enlarged on bail.

5. On contrary, Mr. S.R. Roul, learned Additional Standing Counsel for the State, however, strongly opposes the bail application of the petitioners and accordingly prays to reject the bail application of the petitioners.

6. Considering the rival submissions made, nature and gravity of accusations raised against the petitioners and keeping in view the surrounding circumstance of pre trial detention of the petitioners since 11.05.2022 and offences being triable by Magistrate First Class and not punishable beyond seven years and further taking into consideration the other circumstances available in this case in entirety, this Court considers the bail application of the petitioners leniently.

7. Hence, the prayer for bail of the petitioners stands allowed and

the petitioners are allowed to go on bail on furnishing bail bond of Rs.25,000/-each with one solvent surety each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioners shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with and that they shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and that the petitioners shall report attendance before the jurisdictional Police Station once in a week preferably on Sunday for three months in between 10 A.M. to 12 Noon. The I.I.C. of jurisdictional Police Station shall not detain the petitioners 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 petitioners 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.

8. Accordingly, the BLAPL stands disposed of.
9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge