

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5245 of 2022

Md. Jamil Hussien & another

.... Petitioners

M/s. B.K.Bal, Advocate

-versus-

State of Orissa

.... Opp. Party

M/s.S.R.Roul, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

29.11.2022

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 Petitioners for grant of bail in connection with CDA Phase-II P.S. Case No.01 of 2022 corresponding to G.R. Case No.07 of 2022 pending in the Court of learned S.D.J.M.(S), Cuttack for commission of offence punishable U/S. 395 of the I.P.C. read with Sections. 25 & 27 of Arms Act on the allegation of committing dacoity of Rs.33,000/- by putting the informant in fear of death after firing two rounds from their pistols.
 3. In the course of hearing of the bail application, Mr.B.K.Bal, learned counsel for the petitioners submits that there is absolutely no material available on record against the petitioners and the petitioners have been implicated in this case only on the basis of confession of co-accused and the petitioners having detained in judicial custody since 15.03.2022 and co-accused persons namely, Raja @ Sk. Nasir Ullah and Suraj @ Sk. Nabijan having already been granted bail in BLAPL No. 1272 of 2022 and BLAPL No. 1744 of 2022, therefore, the petitioners may kindly be granted bail.

4. On the contrary, learned counsel for the State strongly opposes the bail application of the petitioners by inter alia submitting that the petitioners are habitual offenders and, therefore, they should not be enlarged on bail.

5. Considering the rival submissions made, nature and gravity of offence and taking into consideration the other surrounding circumstances including the basis of implication of the petitioners and the release of co-accused persons namely, Raja @ Sk. Nasir Ullah and Suraj @ Sk. Nabijan on bail in BLAPL No. 1272 of 2022 and BLAPL No. 1744 of 2022 and keeping in view that no T.I. parade has been conducted to identify the petitioners, this Court grants bail to the petitioners.

6. Hence, the prayer for bail of the petitioners is allowed and the Petitioners be released on bail on furnishing bail bonds of Rs.50,000/- each 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 petitioners shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioners shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with and that the petitioners 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 six months from the date of release from the custody. The I.I.C. of jurisdictional Police Station shall not detain the petitioners unnecessarily after recording their 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.

7. Accordingly, the BLAPL stands disposed of.

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

Kishore



(G. Satapathy)
Judge