

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5711 of 2022

Rabindra Kumar Pati

....

Petitioner

Mr. D. Panda, Advocate

- Versus -

State of Orissa

....

Opposite Party

Mr. S. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

24.06.2022

I.A. No. 1076 of 2022

Order No.

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1. This matter is taken up through hybrid mode.
2. Learned Counsel for the petitioner submits that he does not wish to press the I.A.
3. The I.A. is dismissed as not-pressed.

(Sashikanta Mishra)
Judge

BLAPL No. 5711 of 2022

Order No.

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1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner was arrested on the basis of a warrant issued by learned J.M.F.C., Jamshedpur by the staff of Jugsalai Police Station on 08.06.2022. As required, he was produced before the Sub-Divisional Magistrate, Anandapur seeking transit remand.

4. The petitioner filed a petition for bail, but the same came to be rejected on the same day. The petitioner filed another application before the Chief Judicial Magistrate, Keonjhar, who also rejected the bail application on 13.06.2022 on the ground that offences under Sections 406/420 of IPC are serious and non-bailable in nature.

5. It is submitted by Mr. D. Panda, learned counsel for the petitioner that the 2nd proviso to Section 81 of Cr.P.C. provides that it shall be lawful for the Chief Judicial Magistrate or Sessions Judge concerned to release the accused on bail in non-bailable cases also. It is further submitted that the learned Chief Judicial Magistrate has mechanically rejected the application for bail without taking into consideration the facts and circumstances. Mr. Panda further submits that the petitioner shall appear before the concerned Court if granted transit bail.

6. Learned State Counsel fairly submits that 2nd proviso to Section 81 of Cr.P.C. does confer power on the Chief Judicial Magistrate to grant transit bail even in case of non-bailable offences.

7. Considering the submissions as above and the materials on record and looking into the 2nd proviso of Section 81 of Cr.P.C., I am inclined to allow the prayer for bail. Let the petitioner be released on bail subject to deposit of Rs.10,000/- on such terms and conditions as the Sub-Divisional Magistrate, Anandapur may deem fit and proper to impose.

8. The petitioner shall personally appear before the learned J.M.F.C., Jamshedpur in the State of Jharkhand on 18th July, 2022. Further, upon appearance of the petitioner before

the concerned Court and submission of proof thereof, the said amount shall be released in his favour.

8. BLAPL is accordingly disposed of.
9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

