

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.5831 of 2022

Ananda Naik

.... *Petitioner*

Mr.P.S.Nayak, Advocate
on behalf of Mr. Chiranjib Rout, Advocate
Versus

State of Odisha

.... *Opp. Party*

Mr. S.S.Pradhan, AGA

CORAM:
JUSTICE SAVITRI RATHO

ORDER
30.08.2022

Order No.

03. This matter is taken up by hybrid mode.
2. Heard Mr.P.S.Nayak, learned counsel on behalf of Mr. Chiranjib Rout, learned counsel for the petitioner and Mr.S.S.Pradhan, learned Addl. Government Advocate.
3. This is an application under Section 439 of Cr.P.C. for releasing the petitioner-Ananda Naik on bail in connection with Talcher P.S. Case No.99 of 2021 corresponding to C.T. Case No.35 of 2021 pending in the Court of learned Addl. Sessions Judge, Talcher for commission of offences punishable under Sections 395/397 of I.P.C. read with Sections 25/27 of the Arms Act.
4. This is the second journey of the petitioner before this Court. His earlier bail application, i.e., BLAPL No.3570 of 2021 has been rejected by this Court by order dated 06.01.2022 granting liberty to him to move the trial Court for bail afresh after commitment of the case to the Court of Session.
5. Learned counsel for the petitioner submits that earlier two accused persons, namely, Chintu @ Bana @ Manas Naik had been released on bail pursuant to order passed by this Court in BLAPL No.5913 of 2021 and Tentu @ Sunil Naik has been released on bail

in BLAPL No.3983 of 2021, who stand on similar footing to that of the petitioner as they have been identified in the T.I. parade. Recently one Chandan Patra, who has been identified in the T.I. parade and also has criminal antecedents has been released on bail by this court by order dated 20.06.2022 passed in BLAPL No.3443 of 2021. The petitioner stands on the same footing as him. He also submits that the case has been committed and trial has started .

6. Mr. S.S.Pradhan, learned counsel does not dispute the said submissions that the petitioner stands on similar footing as that of the co-accused persons who have been released but opposes the prayer for bail submitting that the petitioner has been identified in the T.I. parade and Rs.10,000/- and one bhujali have been recovered at his instance and the learned trial court has rejected his prayer for bail stating that Santosh Kumar Jena and Shaktiswar Behera, the witnesses who identified the petitioner in the T.I. parade are yet to be examined .

7. Considering the submission of the counsel for the petitioner that three co-accused persons against whom similar allegations as that of the petitioner have been made, have been released on bail by this Court and the submission of the learned State Counsel that as per the submissions of the learned counsels for respective parties and, by this court but as the two witnesses who identified the petitioner have not been examined in the trial, I allow the prayer for bail of the petitioner, but subject to stringent conditions.

8. The petitioner - Ananda Naik shall be released on bail after examination of prosecution witnesses – Santosh Kumar Jena and Shaktiswar Behera is over , on such terms and conditions as may the learned trial Court deems fit , including the following conditions:-

(i) The petitioner shall report before the Talcher Police Station once in every Tuesday between 4.00 P.M. to 6.00 P.M. for a period of six months.

(ii) The petitioner shall appear in the trial Court on each date it is fixed for trial.

If the trial is posted on a Tuesday, he need not appear before the Talcher Police Station on that date but must intimate the IIC in advance.

(iii) The petitioner shall not indulge in any criminal activity while on bail.

(iv) The petitioner shall not tamper with prosecution evidence or try to influence witness.

9. Violation of any conditions will entail cancellation of bail.
10. The BLAPL is accordingly disposed of.
11. Urgent certified copy of this order be granted on proper application.
12. Copy of this order be sent to the IIC, Talcher for follow up action.

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Savitri Ratho
Judge