

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.6450 OF 2022

Tularam Harijan & Another

....

Petitioners

Mr. D.R. Bhokta, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Samaresh Jena, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

12.12.2022

Order No.

02. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. The Petitioners being in custody in connection with Umerkote P.S. Case No.145 of 2021 corresponding to G.R. Case No.254(A) of 2021 on the file of learned J.M.F.C., Umerkote running for commission of offence under Section- 395 of IPC, have filed this application under section 439 of the Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioners submits that one Tularam and Abhimanyu have been arraigned in the case as principal accused persons and these Petitioners are said to be their associates. He further submits that the Petitioners are in custody since 13.04.2021 and the investigation of the case in the meantime being complete; charge-sheet has been submitted. It is submitted that when the accused-Tularam Harijan, Ram Chand Harijan and two others have been released on bail vide order dated 01.09.2021 and 14.09.2021 passed by this Court in BLAPL Nos.6858 of 2021

and 3930 of 2021 respectively, further detention of these Petitioners would serve no useful purpose. In view of all these above, when there remains no scope on the part of the Petitioners to flee from justice and tamper the evidence; he urges for grant of bail to the Petitioners.

4. Learned counsel for the State opposes the move.

5. Taking into account the submissions made; further keeping in view the materials on records with other surrounding circumstances including the factum of grant of bail to the co-accused as also the long period of detention of the Petitioners in custody and on going through the order passed by the learned Addl. District & Sessions Judge; it is directed that the Petitioners be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. they will appear in person before the Court in seisin of the case on each date of posting of the case with fail;
 2. will appear before the IIC, Umerkote P.S. every Monday in between 10 am to 2 pm for a period of next six months; and
 3. will not indulge themselves in any criminal activity.
6. The BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**