

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5614 of 2021

Pitamber Baliarsingh

....

Petitioner

Mr. Manas Chand, Advocate

Versus

State of Odisha

....

Opposite Party

Mr. P.K. Mohanty, A.S.C.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

25.03.2022

Order No.

05. 1. This matter is taken up through hybrid mode.
2. Heard Mr. Manas Chand, learned counsel for the petitioner and Mr. P.K. Mohanty, learned Addl. Standing Counsel for the State.
3. This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioner-Pitambar Baliarsingh in connection with Jankia P.S. Case No.78 of 2021 corresponding to G.R. Case No. 432 of 2021 pending in the Court of the learned S.D.J.M., Khurda for commission of offence punishable under Section 395 of the I.P.C. and Section 25 of the Arms Act.
4. The petitioner had moved an application for bail before the Court of learned 2nd Addl. Sessions Judge, Khurda which was rejected on 16.07.2021.
5. The prosecution allegations in brief are that on 15.04.2021 at about 3.30 p.m. while the informant along with his colleague being the employee of a private petrol pump were proceeding towards the bank to deposit cash of Rs.5,50,000/-, in their motor cycle, on their way suddenly, three unknown persons with a black Pulsar motor cycle intercepted them and one of them gave a kick to the informant's motor cycle for which the informant lost his balance fell down on the

ground. One of those persons took the key and tried to open the dicky. When he raised hullah, another culprit by showing a bhujali took away cash of Rs.5,50,000/- from the dicky.

6. Mr. Manas Chand, learned counsel for the petitioner submits that the petitioner is in custody since 08.04.2021 and has no criminal antecedents. He further submits that the petitioner has not been identified in the T.I. parade and the co-accused persons standing on similar footing have been released on bail in BLAPL No.5218 of 2021 (Soleman Saha), BLAPL No.11622 of 2021 (Chandan @ Chandrasekhar Biswal) and BLAPL No.5757 of 2021 (W @ Sk. Rasid) by this Court.

7. Mr. P.K. Mohanty, learned Addl. Standing Counsel does not dispute the submission that the petitioner has not been identified in the T.I. Parade but opposed the prayer for bail submitting that the petitioner could not have identified in the T.I. parade as he was standing some distance away. The allegations against him is that he had conspired with others to commit the offence and had informed other accused persons about the movement of the informant and others who were carrying the money and an amount of Rs.17,280/- and a Hero Honda glamour motor cycle without any registration number have been recovered from him.

8. Considering the submissions of learned counsel for the respective parties, the nature of materials appearing against the petitioner, the fact that other co-accused persons who were not identified in the T.I parade have been released on bail in BLAPL No.5218 of 2021, BLAPL No.5757 of 2021, lack of criminal antecedents, period of detention of the petitioner in judicial custody, I am inclined to allow the prayer for bail.

9. Let the petitioner-Pitambar Baliarsingh be released on bail on bail in the above noted case on such terms and conditions as

may be fixed by the learned Court below in seisin over the matter, including the following conditions :

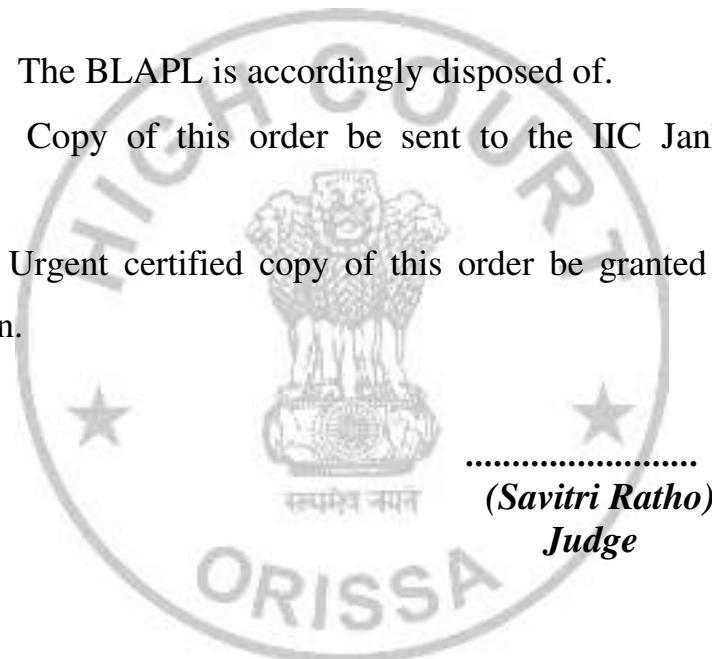
- i) He will not indulge in any criminal activity while on bail.
- (ii) He will not threaten or try to influence prosecution witnesses.
- (iii) He will appear before Jankia Police Station once in a week between 6.00 p.m. to 8.00 p.m for a period of six months or till commencement of trial whichever is earlier
- (iv) He will appear before the trial court on each date it is fixed for trial..

10. Violation of any condition will entail in cancellation of bail.

11. The BLAPL is accordingly disposed of.

12. Copy of this order be sent to the IIC Jankia Police Station.

Urgent certified copy of this order be granted on proper application.



Sukanta