

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No 6152 of 2021

Sk.Babu@Baren Babu

....

Petitioner

*Mr. Smruti Ranjan Rout,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. P. Tripathy,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

02.08.2022

Order No.

11.

1. This matter is taken up through hybrid mode.
2. Learned counsel for the petitioner is permitted to correct the typographical error in cause title of the bail application in Court.
3. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
4. The petitioner is in custody since 21.05.2021 in connection with Baranga P.S. Case No. 98 of 2021 corresponding to G.R. Case No. 1059 of 2021 pending in the court of learned J.M.F.C. (Rural), Cuttack for the alleged commission of offence under Sections 332/307/326/325/34 of IPC read with Sections 25/27 of the Arms Act.
5. It is alleged that the petitioner is a close associate of a gangster and was wanted in a criminal case. When the police personnel tried to nab him, he fired from his pistol for which the police personnel returned fire and the petitioner was injured

thereby and was thereafter nabbed. He has been in custody for more than a year by now. Charge sheet has already been submitted. The question of tampering with the evidence or terrorizing the witnesses is prima facie not acceptable in view of the fact that the witnesses are all police personnel. There are some criminal antecedents to his name. But the same cannot be a ground to detain him in custody without trial indefinitely. Therefore taking into consideration all the above facts as also the period of detention in custody, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that:-

(i) He shall appear before the IIC of Baranga police station on every Monday and Friday at 10.00 a.m. for a period of one year.

(ii) He shall personally appear before the court in seisin over the matter on each date of posting of the case and incase of even a single default necessary order shall be passed by the Court below to take him into custody again.

6. The BLAPL is disposed of.

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

(Sashikanta Mishra)
Judge

B.C. Tudu

