

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6283 of 2021

Narayan Ghadei

....

Petitioner

*Mr. S.P. Mishra, Sr. Advocate along with
Mr. Soumya Mishra, Advocate*

-versus-

State of Orissa

....

Opposite Party

*Mr. K.K. Nayak, ASC for State
Mr.B.P. Pradhan, Advocate for Informant*

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

07.03.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Learned counsel for the Petitioner files a memo annexing therein additional grounds on behalf of the Petitioner in Court today, which is taken on record.
3. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant. Perused the Case Diary, F.I.R. and medical examination report of the victim.
4. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Banpur P.S. Case No.240 of 2021, arising out of G.R. Case No.214 of 2021, pending in the court of learned J.M.F.C., Banpur, for commission of alleged offences under Sections 450/376/294/506/34 of I.P.C.
5. Learned Senior Counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 10.07.2021. It is submitted that the investigation of the case has been

over and charge-sheet has been filed by the police. Mr. Mishra, learned Senior counsel for the Petitioner further submits that there was a dispute with regard to family property between the brother and sister-in-law of the Petitioner. It is due to some family rivalries, a false case has been foisted against the Petitioner. It is further submitted that Petitioner is a permanent resident of the locality, thus there is no chance of his absconding or fleeing away from the hands of justice and no chance of tampering the aforesaid case. The further submission was that in the event Petitioner is released on bail, he shall cooperate in the trial of the case.

6. Learned counsel for the Informant as well as State almost took the same plea to oppose the bail of the Petitioner by stating that the allegation in the FIR is heinous, therefore no leniency should be shown to the accused person. However, he submits that in the event of release, stringent conditions may be imposed on the Petitioner.

7. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the period of detention of the Petitioner and the medical report of the victim lady, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- (i) He shall appear before the trial court on each and every date as fixed by the court;
- (ii) He shall not tamper with the prosecution evidence;
- (iii) He shall not influence or threaten any prosecution evidence and cooperate in the investigation;
- (iv) He shall provide the present address and mobile number to the local police station;

(v) He shall not try to reach out the victim lady in any manner, and

(vi) Violation of any of the above conditions shall entail cancellation of the bail.

8. Petitioner is also directed to appear before the local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once he comes out of the jail custody. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

9. With the above direction, the BLAPL is accordingly allowed.

10. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge