

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6470 of 2021

Md Abbas @ Mohammad Abbas *Petitioner*
Mr.S.R. Rout, Advocate
-versus-
State of Odisha *Opposite Party*
Mr. K.K. Nayak, A.S.C. for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
21.02.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R. and other relevant documents on record.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Purighat P.S. Case No.25 of 2021, corresponding to G.R. Case No.150 of 2021, pending in the file of learned S.D.J.M.(S), Cuttack, for commission of alleged offence under Section 395 of I.P.C.
4. Learned counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 18.07.2021. It is further submitted that the investigation of the case is over and charge-sheet has been filed on 10.11.2021. The further submission is that no T.I. parade has been conducted in the case. It is also

submitted that Petitioner has one criminal antecedent for commission of offence under Section 379 of I.P.C., other than that he has no criminal antecedents.

5. Learned counsel for the State submits that the C.C.T.V. footage has been obtained and on scrutiny of the same it was found that one Nabi Ali and Haider were visible in the said footage. However, the present Petitioner was not visible in the said footage. On the basis of co-accused person, Petitioner has been arrested and stolen articles were recovered from his possession. In such view of the matter, learned counsel for the State submits that the bail application of the Petitioner should be rejected.

6. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the period of detention of the Petitioner and the evidence recorded in C.C.T.V. footage, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to following conditions:

- (i) He shall appear before the local police station once in a fortnight.
- (ii) He shall provide his local address and phone number to the IIC of the concerned police station;
- (iii) Further any change in address and phone number, he shall immediately intimate to the IIC of the concerned police station;
- (iv) He shall not influence or threaten any prosecution evidence and cooperate in the investigation;
- (v) Further the court in seisin of the matter shall find out whether Petitioner has criminal antecedents except the one

mentioned above and may impose any additional condition, if so requires;

7. With the above observation, the BLAPL stands allowed.
8. Issue urgent certified copy on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

