

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6550 of 2021

Sambaru Sirika

....

Petitioner

Mr. D.R. Bhokta, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.02.2022

Order No.

02.

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., Case Diary and other relevant documents.

3. This is an application under Section 439 of the Criminal Procedure Code.

4. The Petitioner is an accused in C.T. Case No.49 of 2017 corresponding to Semiliguda P.S. Case No.27 of 2012 pending in the court of learned Additional Sessions Judge, Koraput for commission of offence punishable under Sections 120-B/121/121-A/124-A/147/148/341/435/506/149, I.P.C. read with Sections 27/17 of the Criminal Law Amendment Act and Sections 16(i)(b)/18/20 of the Unlawful Law Activities Prevention Act.

5. It is submitted by learned counsel for the Petitioner that the Petitioner is in custody since October, 2013.

6. In the rejection order, it is mentioned that the Petitioner is involved in thirty-two number of cases. In reply to that, learned counsel

for the Petitioner submits that out of thirty-two cases, twenty-nine cases he has been acquitted and other two cases granted bail. Only this case, he is languishing in custody. He further expressed that trial of the case has been delayed.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

8. Keeping in view the status of the case, I am inclined to release the Petitioner on bail, it is directed that let the Petitioner be released on bail by furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not get involved in any offence of similar nature while he is on bail, he shall not tamper with the prosecution evidence try to threaten or influence the witnesses in any manner whatsoever, shall appear in court during trial on each and every date without fail and he shall appear before the concerned Police Station once in every week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. and shall cooperate with the investigation as and when required. Violation of any of the terms and conditions shall entail cancellation of bail granted hereby. It is open for the court in seisin over the matter to impose any conditions as may deem just and proper.

9. The Bail Application is accordingly allowed.

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