

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7570 of 2022

***Basu @ Basudev Putel and
another***

Petitioners

Mr. A.K. Mishra, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

Mr. M.K. Mohapatra, Adv (Informant)

CORAM: JUSTICE V. NARASINGH

**ORDER
15.12.2022**

Order No.

04.

1. Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel for the State.
2. The petitioners are accused in C.T. Case No.354 of 2022, pending in the file of learned S.D.J.M., Dharamgarh, arising out of Dharamgarh P.S. Case No.127 of 2022, for commission of alleged offences under Sections 457/394 of IPC and is in custody since 10.06.2022.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Dharamgarh by order dated 22.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioners are in custody since 10.06.2022 and charge sheet has already been filed on 14.10.2022 and keeping in view the recovery of Rs.31,00,000/- (Rupees Thirty One Lakh Only) out of the alleged theft of Rs.50,00,000/- (Rupees

Fifty Lakh Only) , further continuance of the petitioners in custody is not warranted.

5. Learned counsel for the State and the informant on instruction submit that the petitioner No.2 is the cook and is the master mind who not only gave information regarding the availability of cash in the house but also facilitated in the commission of the crime.

6. Considering the nature of role ascribed to a cook who is normally treated as a member of the family, this Court is not inclined to entertain his bail application at this stage. Accordingly the bail application of Petitioner No.2 stands rejected.

7. Taking into account the recovery, as noted and the role ascribed to the Petitioner No.1, this Court directs the Petitioner No.1 to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Additionally, it is directed that the Petitioner No.1 shall appear before the jurisdictional police station once every week on such date and time be fixed by the learned Court in seisin till submission of final form.

9. While enlarging the Petitioner No.1 on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has criminal antecedents of similar nature, this order shall stand recalled

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge