

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6823 of 2021

Samanta Guluduka

....

Petitioner

Mr. Ghanashyam Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.03.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the F.I.R., case diary, the statement of the witnesses and other relevant documents on record.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 4. The Petitioner is an accused in G.R. Case No.402 of 2019 arising out of Ambadola P.S. No.123 of 2019 pending in the court of learned J.M.F.C., Bissamcuttack for commission of offence punishable under Sections 120-0-B/121/121-A/307/438, I.P.C. read with Sections 25 and 27 of the Arms Act, Sections 16(1)(b)/18/20 of UPA Act and Section 17 of the Criminal Law (Amendment) Act.
 5. The prosecution story, in a nutshell, is that on 28.12.2019, the informant-Contractor lodged an F.I.R. at Ambadola Police Station stating therein that he had undertaken the construction work of a road from Saradhapur to Ambidigudi as per work order No.OR27-

477 and to facilitate his construction work he was having a temporary camp at Tikarapada where his six staff were residing and kept construction equipment like JCB, Vibrators and Hitachi Machine etc. On 27.12.2019 at about 8.30 P.M., at about 12 to 15 maoists being armed with fire arms trespassed into the camp and threatened the staff on the gun point to bring out the JCB Machine, Vibrators Hitachi Machine and road roller and then set fire pouring diesel. They also throttled one of the drivers with intention to kill.

6. Learned counsel for the Petitioner submits that the Petitioner is in custody since 28.05.2021 and in the meantime, charge-sheet has already been submitted in the case. He further submits that the construction work has been over since long and the allegations made in the F.I.R., which has been exaggerated by the police. Further, learned counsel for the Petitioner submits that the Petitioner belongs to the locality and there is no scope for absconding or fleeing away from the hands of the justice.

7. Mr. Nayak, learned Additional Standing Counsel for the State, on the other hand, opposes the prayer for bail of the Petitioner and further states that the Petitioner and others accused persons have been involved in many other cases where they have opposed the developmental work. Therefore, he prays for rejection of the bail application of the Petitioner. He also submits that in the event the Petitioner released on bail, he might influence the prosecution witnesses. Further he submits that in the event this Court is inclined to release the Petitioner on bail, some stringent terms and conditions may be imposed.

8. Having heard the learned counsels for the parties, considering the nature of allegation and the period of custodial detention of the Petitioner, it is directed that let the Petitioner be released on bail on

furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions :-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. He shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. He shall not make any default in attending the court during trial on each date;
- IV. He shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

10. The Bail Application is accordingly disposed of.

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