

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7382 of 2021

Lambu @ Narayan Tarini

..... Petitioner
Mr. Ashok Das, Advocate

-versus-

State of Orissa

..... Opposite Party
Mr. K.K. Nayak, A.S.C. for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
16.02.2022

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. 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 Badagada P.S. Case No.101 of 2018, corresponding to G.R. Case No.144 of 2018 in S.T. Case No.12 of 2019, pending in the file of learned Addl. Sessions Judge, Bhanjanagar Camp, Ganjam, for commission of alleged offences under Sections 302/34/120-B of I.P.C. read with Sections 25(1-B)(a) /27 of Arms Act and Section 4 of Explosive Substance Act.
4. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 23.12.2020. Learned counsel further submits that Petitioner's name does not find place in the FIR. It is also stated that police has

intentionally implicated the present Petitioner in the charge-sheet due to previous grudge. As Petitioner is a permanent resident of the place, there is no chance of his absconding in the case.

5. Learned counsel for the Petitioner further submits that the co-accused persons, who stand on a higher footing than the Petitioner, have been released on bail by this Court, namely, (1)Mithun Bhuyan in BLAPL No.6084/2019, (2) Bhajaram Swain in BLAPL No.7875/2019, (3)Arakhita Behera in BLAPL No.5457/2019, (4) Krushna Gouda in BLAPL No.9045/2019, (5) Surya Narayan Bisoy in BLAPL No.8108/2019, (6) Tofan Bisoyi in BLAPL No.7691/2019 and many others.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. He, however, submits that if the Petitioner is released on bail, stringent conditions may be imposed on the accused Petitioner.

7. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall not tamper with the prosecution evidence or show any threat or influence the witnesses in any manner whatsoever and cooperate in the trial of the case. Petitioner is also directed not to involve in any other similar nature of offences. The court in seisin of the matter may impose any additional condition(s), if situation so warrants. Deviation of any of the above conditions shall entail cancellation of the bail.

8. With the above direction, the BLAPL is accordingly allowed.
9. Issue urgent certified copy on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

