

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7462 of 2021

Sanjay Sahoo

....

Petitioner

Mr.Sapan Kumar Lenka, *Advocate*

-versus-

State of Odisha

....

Opposite Party

Mr.M.K.Mohanty,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.03.2022

Order No.

5.
 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
 3. Perused the Case Diary, F.I.R. and the statements of the witnesses recorded under section 161 Cr.P.C.
 4. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Sahidnagar P.S.Case No.214 of 2021, corresponding to C.T.Case No.2981 of 2021, pending in the Court of the learned S.D.J.M., Bhubaneswar for alleged commission of offences under Sections 353 of the Indian Penal Code read with Section 25, 27 of Arms Act 1959.
 5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 22.05.2021 and that since the investigation of the case is almost over and all the material witnesses have already been examined by the Police, so there is no chance of

tampering the prosecution evidence if the petitioner is released on bail and that since the Petitioner is permanently residing within the local jurisdiction of the police station, there is also no chance of his absconding or fleeing from the hands of justice.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that the prayer for bail of the Petitioner may not be considered by this Court at this stage.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation as well as the custodial detention of the Petitioner, this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) he shall appear before the concerned Police Station once in a week preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall not indulge in any offence of similar nature.
- iii) shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses.
- iv) shall appear before the trial court on each and every date fixed for trial till completion of trial.
- v) Violation of any of the terms and conditions shall entail cancellation of bail.

8. The BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per Rules.

Judge

