

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7792 of 2021

Manoj Kumar Nath

....

Petitioner

Mr.Ranjit Kumar Ray, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.03.2022

Order No.

- 04.
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 for the State.
 3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with C.T. No. 1779 of 2020 pending in the Court of the learned J.M.F.C., Jajpur Road, corresponding to Sukinda P.S.Case No.203 of 2020 for commission of the alleged offences under Sections 458, 395 of the Indian Penal Code read with section 25 of Arms Act.
 4. The prosecution case in brief is that on 05.12.2020 night four unknown culprits entered into the house of the complainant by breaking open the back door grill, being armed with bhujali and revolver, threatened to kill his son and thereafter opened the door of the bed room and took away cash of Rs.4,75,000/- and 10 bharies of golden

ornaments and nine bharies of gold from the locker then fled away. It is also alleged that some other persons were outside the house.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 25.05.2021. In the meantime charge sheet has been filed and investigation has been completed. It is further submitted by the learned counsel for the Petitioner that on perusal of the impugned order the trial court has observed that during T.I. parade the witness has correctly identified the Petitioner. However, on instruction learned counsel for the State submits that the complainant did not accompany the Police for T.I. parade and there is no question of identification of the Petitioner in the T.I.parrade. Moreover in paragraph-4 of the impugned order, it is stated that one co-accused Sumanta Sahu was released on bail. It is further submitted that the present Petitioner is on similar footing like Sumanta Sahu. Accordingly learned counsel for the Petitioner prays for release of the Petitioner on bail.

6. Learned State Counsel on the other hand opposes the prayer for bail of the present petitioner and submits to reject the bail application of the Petitioner.

7. Having heard learned counsel for the parties and considering the surrounding circumstances as well as the fact that the co-accused has been released on bail and keeping in view the custodial detention of the petitioner, this Court is inclined to release the Petitioner on bail subject to furnishing bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) shall appear before the trial court on each and every date and shall cooperate the trial court for early conclusion of trial.

- ii) shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses.
 - iii) shall not indulge in similar type of offence in future.
 - iv) shall appear before the concerned Police Station in a week preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
 - v) Violation of any of the terms and conditions shall entail cancellation of bail.
8. With the aforesaid observation the BLAPL stands disposed of.
9. Urgent certified copy of this order be granted on proper application.

RKS

