

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7794 of 2021

Sk. Babu @ Baren Babu

Petitioner
....
Mr. S.R. Rout, Advocate

-versus-

State of Odisha

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

CORAM:
JUSTICE A.K. MOHAPATRA

Order No.

ORDER
11.05.2022

04.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Darghabazar P.S. Case No.116 of 2019, corresponding to G.R. Case No.1966 of 2019, pending in the file of learned S.D.J.M.(S), Cuttack, for commission of alleged offences under Sections 341/212/506/307/400/387/120-B/34 of I.P.C.
4. Heard learned counsel for both the parties. Perused the Case Diary, FIR and statement of witnesses.
5. The case of the prosecution case, in short, is that on 14.12.2019 at about 11.00 P.M. complainant Yogesh Agarwal present a written report before the Dargha Bazar P.S. alleging that on 12.12.2019 at about 1.57 P.M., he and his brother received phone call regarding dada bati, thereby directing him to meet one Sakil Bhai. On the basis of the report Dargha Bazar P.S. Case is registered under Section 341/506/5067/387/120-B/34, I.P.C. read with Sections 25 and 27 of the Arms Act.

6. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 11.05.2021. It is submitted that police after completion of investigation has filed charge-sheet. It is further submitted that the petitioner has been falsely implicated in this case and his bail application may be considered.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner. Since Petitioner has been accused of serious offences, he should not be allowed to be released on bail. However, he submits in the event of release, stringent conditions may be imposed on the Petitioner.

9. Considering the facts and circumstances of the case, 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.50,000/- (Rupees Fifty thousand) with two local sureties for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- i) He shall not involve himself in any similar nature of offence;
- (ii) He shall appear before the trial court on each and every date as fixed by the court;
- (iii) He shall appear before the I.O. on every Sunday at 10 A.M. to 1.00 P.M. and report to the police;
- (iv) He shall not tamper with the prosecution evidence;
- (v) He shall not influence or threaten any prosecution witness and cooperate in the investigation;
- (vi) He shall provide his present address and mobile number

to the I.O. and if any changes therein shall also be intimated to the I.O.;

- (vii) He shall not leave the jurisdiction of the court without special permission from the court; and

Violation of any of the above conditions shall entail cancellation of the bail.

10. With the above direction, the BLAPL is accordingly allowed.

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

(*A.K. Mohapatra*)
Judge

Jagabandhu

