

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7797 of 2021

Dibyalochan Samantaray and ***Petitioners***
another

Mr. Ramesh Chandra Swain, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
18.05.2022

Order No.

07. 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 Petitioners for bail in connection with Rajnagar P.S. Case No.176 of 2021, corresponding to G.R. Case No.209 of 2021, pending in the file of learned J.M.F.C., Rajnagar, for commission of alleged offences under Sections 302/506/509/34 of I.P.C.
3. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that Petitioners are languishing in jail custody since the date of their

arrest, i.e. 15.04.2021. It is further submitted that police after completion of investigation has file charge-sheet on 30.04.2022. It is submitted that the allegations made against the Petitioners are false, fabricated having no iota of evidence. It is also submitted that Petitioner is ready to abide by any terms and conditions as would be fixed by this Court in the event of Petitioner is released on bail by this Court.

5. Learned counsel for the Informant opposes the move of the Petitioners for bail. He submits that in the event the Petitioner is released on bail by this Court, the Petitioner is most likely to tamper with the prosecution evidence and may threaten /terrorize/influence the witnesses.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner on the ground that the Petitioners are involved in serious offences. Therefore, no leniency should be shown to the Petitioners. Accordingly, he prays for rejection of their bail application.

7. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the materials on record as well as statement of the witnesses and the period of detention of the Petitioners, this Court is inclined to release the Petitioners on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) each with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter

subject to the terms and conditions as deem fit and proper by the trial court.

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

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

