

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7861 of 2021

Swetambara Bag @ Swetambar Bag ***Petitioner***
Mr. R.N.Rout, 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.

- 04.
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.
 3. Perused the Case Diary, F.I.R. and the statements of the witnesses recorded under section 161 Cr.P.C.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 4. The Petitioner is an accused in C.T.Case No.113 of 2021 arising out of Puruna Katak P.S. Case No.078 of 2021 pending in the court of learned J.M.F.C., Harabhanga for commission of alleged offences under Sections 273, 274, 275 of the Indian Penal Code read with Section 2 of Orissa Amendment Act 3 of 1999.
 5. The prosecution story as revealed from the F.I.R. is that one Paresh Kumar Sarangi, A.S.I. of Purunakatak Police Station made an allegation that on 04.08.2021 at 4.30 P.M. while he was conducting

MV and Mask checking, detained a Scorpio vehicle, arrested the Petitioner, who was the driver of the vehicle and seized Eskuf Cough Syrup bottles and some Clonafid tablets.

6. It is submitted by the learned counsel for the Petitioner that the Petitioner, who is the driver of the vehicle is in custody since 04.08.2021. In the meantime charge sheet has been filed after completion of investigation. It is further submitted by the Petitioner that since the Petitioner belongs to the locality there is no chance of his absconding or fleeing away from the hands of justice. In the event this Court directs release of the Petitioner on bail, the Petitioner will cooperate with the trial and he shall appear before the trial court on each date of posting.

7. Learned counsel appearing for the State on the other hand opposes the prayer for bail of the Petitioner on the ground that the such type of offence is rising day by day, therefore, no leniency should be show to the Petitioner or similarly situated persons.

8. Considering the submissions made by learned counsel for both the parties and on perusal of records as well as the period of 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 on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local solvent surety each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in

any manner whatsoever;

- III. he shall not make any default in attending the court during trial on each date without fail;
- IV. he shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial; and
- V. he shall not leave the jurisdiction of the trial court without specific permission of the trial Court.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

10. The Bail Application is accordingly disposed of.

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

(A.K. Mohapatra)
Judge