

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8052 of 2021

***Kanha @ Kanhu Pradhan and
another***

.... Petitioners

Mr. S.S.Ray(2), Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. K.K. Nayak, A.S.C. for State

CORAM:

JUSTICE A.K.MOHAPATRA

**ORDER
25.02.2022**

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned counsel for the State. Perused the F.I.R, other relevant records and the statement of witnesses.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioners for bail in connection with Aska P.S. Case No.454 of 2021, corresponding to G.R. Case No.840 of 2021, pending in the file of learned J.M.F.C., Aska, for commission of alleged offence under Section 395 of I.P.C.
4. Learned counsel for the Petitioner submits that the co-accused person, who stand similar footing with the present Petitioners, have already been released on bail by the learned Addl. Sessions Judge, Aska, Ganjam. It is further submitted that Petitioner

has been languishing in jail custody since the date of his arrest, i.e. 24.07.2021 and the investigation of the case has been completed and charge-sheet has been filed.

5. Learned counsel for the State vehemently opposes the bail of the Petitioner on the ground that the accused Petitioner has been identified in the T.I. parade. However does not dispute to the fact that the other two accused persons, namely, Balaram Pradhan in BLAPL No.9800 of 2021, disposed of on 18.01.2022 and Badal Das in BLAPL No.4171 of 2021, disposed of on 01.02.2022, who had been identified in the T.I. parade have also been released on bail by this Court. However, he submits that in the event release of the Petitioners, stringent conditions may be imposed.

6. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the period of detention of the Petitioners, this Court is inclined to release the Petitioners on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local surety each for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- (i) They shall appear before the trial court on each and every date as fixed by the court;
- (ii) They shall not tamper with the prosecution evidence;
- (iii) They shall not influence or threaten any prosecution evidence and cooperate with the investigation; and
- (iv) Violation of any of the above conditions shall entail cancellation of the bail.

7. This Court further observes that the learned trial court may impose any other conditions, if situation so arises.

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

