

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9075 of 2022

Soumen Manna and others ***Petitioners***

Mr. A.K. Jena, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in C.T. Case No.975 of 2022, pending in the file of learned J.M.F.C., Chandikhole, arising out of Dharmasala P.S. Case No.358 of 2022, for alleged commission of offence under Sections 395 of IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Jajpur by order dated 05.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the learned counsel for the petitioners that the petitioners have been remanded in the case at hand on 21.06.2022 and as charge sheet has already been filed on 30.09.2022 and the amount involved in the crime i.e. cash to the tune of Rs.15,22,000/- has already been recovered, as borne out

from the order of rejection, further continuance of the petitioners in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that since the petitioners do not live within the territorial jurisdiction of the Court in seisin over the matter their presence during the trial cannot be ensured. Hence, merely because charge sheet has been filed and amount has been recovered, they should not be enlarged on bail at this stage.

7. Considering the recovery of the entire amount involved in crime, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. While enlarging the petitioners on bail the learned court below shall verify assertion regarding criminal antecedent of the petitioners. If it comes to the fore that the petitioners have any criminal antecedent other than the case in which the petitioners were taken into custody, arising out of the self same transaction, this order shall stand recalled.

9. Since the petitioners admittedly do not reside within the territorial jurisdiction of the Court in seisin, learned Court shall fix suitable terms so as to ensure their presence on each date of trial.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge