

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8100 of 2021

Ashok Nahak and others *Petitioners*

Mr.Aurovinda Mohanty, *Advocate.*

-versus-

State of Odisha *Opp. Party*

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.01.2022

Order No.

02.

This matter is taken up through Video Conferencing mode.

2. Heard learned counsel for the Petitioners and the learned Additional Standing Counsel for the State-Opp.Party.

3. This is an application under section 439 Cr.P.C. filed by the Petitioner for bail in connection with Banpur P.S.Case No.263 of 2021 corresponding to G.R.Case No.236 of 2021 pending in the Court of the learned J.M.F.C., Banpur for alleged commission of offences under Sections 399/402 of the Indian Penal Code read with Section 25(1-B)(a) of the Arms Act.

4. Perused the case diary, statements of the witnesses recorded under Section 161 Cr.P.C., the F.I.R. and the other materials collected by the Police during investigation so far.

4. After hearing the learned counsel appearing for both parties and upon perusal of the Case Diary, and the statements of the witnesses recorded during investigation by the Police as well as taking into consideration the detention of the Petitioners in jail

custody since long, I am inclined to release the Petitioners on bail in the aforesaid case on furnishing a bail bond of Rs.20,000/- (rupees twenty thousand) each with one solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter. Further the petitioners' release shall be subject to the conditions that they shall not misuse the liberty granted to them in any manner whatsoever, shall cooperate with the investigation of the case and shall not involve themselves in such type of offence while on bail. It is open for the Court in seisin over the matter to fix any other condition which may be deemed fit and proper in the facts and circumstances of the present case.

5. The bail application stands disposed of.

6. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(A.K. Mohapatra)
Judge

RKS