

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8237 of 2021

Khilla Suti

..... Petitioner
Mr.Rajib Lochan Pattnaik, Advocate

-versus-

The State of Odisha

..... Opposite Party
Mr.M.K.Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
22.06.2022

Order No.

05. 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 Petitioner for bail in G.R. Case No.800 of 2020, arising out of Papermetla P.S. Case No.07 of 2020, pending in the court of learned S.D.J.M., Malkangiri, for commission of alleged offences under Sections 147/148/121/121-A/307/149 of I.P.C. and Section 17 of the Criminal Law Amendment Act, Section 18/20 of UAP Act & Section 4/5 of E.S. Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 28.10.2020. It is further submitted

that police after completion of investigation has filed charge-sheet against the Petitioner. The further submission is that the injuries sustained by the injured persons are simple in nature and in this regard medical examination report has been filed. From the said report it is evident that the injuries are simple in nature. Learned counsel for the Petitioner further submits that he is an innocent local villager and in view of the naxality problem in the area, police has falsely entangled in the case him. It is also submitted that the case is of the year 2020 and the trial of the case has not commenced till date and he has no criminal antecedents. Further, he is a law abiding citizen and he undertakes to abide by the terms and conditions as fixed by this Court in the event of release on bail.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner on the ground that Petitioner will not cooperate in the trial of the case in the event of release on bail. However, he submits that in the event of release, stringent conditions may be fixed.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case and the injury report, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) with two local solvent sureties for the like

amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) He shall not indulge in similar nature of offence;
- ii) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
- iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
- iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;
- v) He shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) He shall not leave the jurisdiction of the court without prior permission of the trial court;

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

8. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents of similar nature. In the event it is found that the Petitioner has any criminal antecedent of similar nature, this order shall automatically stand revoked.

9. With the aforesaid observation the BLAPL stands disposed of.

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

(A.K. Mohapatra)
Judge

U.K.Sahoo

