

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.8751 of 2021**

***Swadhin Kumar Swain***

....

***Petitioner***

*Mr. S.K. Samantaray, Advocate*

*-versus-*

***State of Odisha***

....

***Opposite Party***

*Mr. M. Mishra, A.S.C.*

*Mr. P.K. Dash, Advocate for the  
informant*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**22.06.2022**

**Order No.**

- 07.
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. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
  3. This is an application under Section 439 of the Criminal Procedure Code.
  4. The petitioner is an accused in G.R. Case No.882 of 2021 arising out of Begunia P.S. Case No.150 of 2021 pending in the court of learned S.D.J.M. Khurda for commission of offence punishable under Sections 341/323/294/302/34, I.P.C.
  5. It is alleged that the informant one Bikash Ranjan Barik lodged an F.I.R. before the Begunia P.S. that on 03.08.2021 at about

8.30 P.M. one Swadin Kumar Swain gave forcible push to the father of the informant and when fell down, Swadhin started giving kick blows to him, even to his private part. Thereafter, they took him to the nearest hospital but after sometimes the concerned doctor declared him dead.

6. It is submitted by the learned counsel for the petitioner that the petitioner is languishing in custody since 08.08.2021 and he has been falsely implicated in the present case. Further, learned counsel for the petitioner submits that there is no chance of absconding or fleeing from receiving justice and in the event of his release, he will appear before the trial court on each date of posting of the case and shall abide by the terms and conditions that may be imposed by this Court. It is also submitted by learned counsel for the petitioner that the petitioner does not have any criminal antecedents.

7. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the petitioner.

8. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and the period of custodial detention of the petitioner, I am inclined to grant bail to the petitioner and it is directed that let the petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and 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 or terrorize the

witnesses in any manner whatsoever;

III. he shall not make any default in attending the court during trial;

IV. he shall appear before the concerned Police Station once in a month preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial; and

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 any other conditions as may be deemed just and proper.

10. 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 antecedents, this bail order shall automatically stand revoked.

11. The Bail Application is accordingly disposed of.

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

**( A.K. Mohapatra )**  
**Judge**