

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9077 of 2021

Rabi @ Gadadhar Behera

....

Petitioner

Mr. J.K.Khuntia,
Advocate

-versus-

State of Odisha

....

Opposite Party

Miss. S. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.01.2022.

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard Mr. J.K.Khuntia, learned counsel for the Petitioner and Miss. S. Mishra, learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 9th September, 2021 in connection with Remuna P.S. Case No.140/2021 corresponding to C.T. Case No.785/2021 pending in the court of learned J.M.F.C.(R), Balasore for the alleged commission of the offence under Sections 457/395 of IPC.

4. The prosecution allegation is that the Petitioner and seven other persons forcibly entered in the Plant premises of Balasore Alloys Ltd. and committed theft of store materials like machinery parts, motor spare parts, battery, steel materials etc. as also cash of Rs.6, 00,000/-.

5. Learned counsel for the Petitioner submits that at best an offence of theft can only be registered, but the same has been given the colour of dacoity by the Police.

6. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that several incriminating materials were seized from the possession of the Petitioner which shows his complicity in the occurrence.

7. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact that the stolen articles have already been recovered, I find no justified reason to detain the petitioner in custody any longer. The BLAPL is, therefore, allowed.

8. Let the Petitioner- Rabi @ Gadadhar Behera be released on bail in the aforesaid case on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that he shall appear before the I.I.C. of Remuna P.S. on every Monday at 10.30 A.M., till submission of Final Form.

9. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

