

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9158 of 2021

Ashirbad Pancham

.... ***Petitioner***
Mr.S.K.Das, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.04.2022

Order No.

02

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Brajarajnagar P.S.Case No.254 of 2021 corresponding to C.T.Case No.2073 of 2021, pending in the Court of the learned S.D.J.M., Jharsuguda for alleged commission of offence under Sections 341,294,323,506,307/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 13.09.2021 and after completion of investigation charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that co-accused has been released on bail and the injury sustained by the injured is simple in nature. It is also submitted by the learned counsel for the Petitioner that since the petitioner is staying permanently under Brajarajnagar Police Station, there is no chance of his absconding or

fleeing away from the hands of justice and in the event of his release on bail, he will appear before the trial court on each and every date of posting.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that the petitioner shall not be released on bail since in the event of his release he will threaten the witnesses.

7. Having heard learned counsel for the parties, considering the fact that co-accused has been released on bail and the period of custodial detention of the Petitioner and the injuries sustained by the injured is simple in nature, 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 one local solvent surety 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 himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses while on bail.
- v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
- vi) Violation of any of the terms and conditions shall entail cancellation of bail.

8. The trial court may impose any other condition(s) as deem fit and proper.

9. BLAPL is accordingly disposed of.
10. Issue urgent certified copy in course of the day.

RKS

(A.K. Mohapatra)
Judge

