

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9166 of 2021

Prasanna Naik

.... ***Petitioner***
Ms. Aditi Hota, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.R.Mishra, A.S.C.

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 as well as the learned Additional Standing Counsel for the State.
4. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with F.C.I. P.S.Case No.226 of 2021 corresponding to G.R.Case No.1613 of 2021 pending in the Court of the learned S.D.J.M., Talcher for commission of an alleged offence under Section 302 of the Indian Penal Code.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 12.09.2021. It is further contended by the learned counsel for the Petitioner that the Petitioner who is an innocent person has no nexus with the alleged crime and he has been implicated in this case basing on suspicion only. He also submits that co-accused has been released on bail. Further, it is submitted by the learned counsel for the Petitioner that since the

Petitioner is the inhabitant of Angul district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and he is ready and willing to abide by the conditions that may be imposed by this Court.

6. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that the offence alleged against the Petitioner is a heinous one and he should not be released on bail at this stage.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation made in the F.I.R. as well as the custodial detention of the Petitioner and the fact that one of the co-accused has been released on bail, this court is 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 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 appear before the concerned Police Station in a fortnight preferably on Sunday at 10 A.M. to 1 P.M., till filing of charge sheet;
- v) Violation of any of the terms and conditions shall entail cancellation of bail.

8. The trial court may also impose any other condition(s) as deem fit and proper.
9. The Bail Application is accordingly disposed of.
10. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

