

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9436 of 2021

Pramod Das

....

Petitioner

Mr. Ashok Jena, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.C.Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

20.04.2022

Order No.

02. 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 connection with GRPS Case No.63 of 2020, corresponding to S.T. Case No.123 of 2021, pending in the file of learned C.J.M.-cum-A.S.J., Cuttack, for commission of alleged offences under Sections 328/382 of I.P.C.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. The case of the prosecution in short is that the Informant case to Cuttack in Trichinapally Howarah Express on 27.11.2020 and arrived at Cuttack on 28.11.2020 and met with one person near the railway station and that person gave two bottles of Amul Cool and after consuming the milk the informant became unconscious and when the informant

regained his sense on 29.11.2020 found his mobile phone and cash of Rs.22,000/- have been stolen.

5. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 09.12.2020. It is submitted that police after completion of investigation have already filed charge-sheet in the matter. It is submitted that Petitioner is an innocent person and he has been falsely entangled in the case by the police. Moreover, Petitioner has no criminal antecedents of similar nature. Accordingly, he submits that under the above circumstances, the prayer of the Petitioner for bail may be considered by this Hon'ble Court.

6. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. He submits that there are eight cases pending against the Petitioner in different police stations. It is submitted that now-a-days such types of offences are increasing day by day, therefore, no leniency should be shown to the present Petitioner, who involved in such crime. Accordingly, he prays for rejection of his bail application.

7. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

i) He shall not involve himself in any similar nature of offence;

(ii) He shall appear before the trial court on each and every date as fixed by the court;

(iii) He shall appear before the I.O. on every Sunday at 10 A.M. to 1.00 P.M. and report to the GRP police;

(iv) He shall not tamper with the prosecution evidence;

(v) He shall not influence or threaten any prosecution witness and cooperate in the investigation;

(vi) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;

(vii) He shall not leave the jurisdiction of the court without special permission from the court; and

(viii) Violation of any of the above conditions shall entail cancellation of the bail.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge