

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9471 of 2021

D.Gobinda Reddy & others

....

**Petitioners**

Mr.S.K.Sarangi, Advocate

-Versus-

State of Odisha

**Opposite Party**

Mr.S.S.Mohapatra, ASC

**CORAM:**

**JUSTICE R.K.PATTANAIK**

Order No.

**ORDER**

**12.01.2022**

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. ★ This is an application under Section 439 Cr.P.C. for grant of bail to the petitioners in connection with Rambha P.S. Case No. 404 of 2021 corresponding to G.R. Case No. 1153 of 2021 registered under Section(s) 395 IPC read with Section 25 (1-B)(a) of Arms Act pending in the court of learned J.M.F.C., Khallikote on the grounds stated therein.
4. Perused the F.I.R. i.e. Annexure-1 and the impugned order dated 07.10.2021 as at Anneuxre-2.
5. Gone through the contents of the F.I.R.
6. Learned counsel for the petitioners submits that the allegation is to the effect that the accused persons 7 to 8 in number forcibly removed cash of Rs. 27,200/- from the informant on the point of a mouser and also demanded an amount of Rs.2 lac to carry out the sand business and in that

connection, the arrest has been made. It is further submitted that the accused, namely, D. Santosh Reddy, who is also involved in the incident is having good number of criminal cases to his credit and the petitioners have been implicated for being the half brothers of said named accused and considering the above facts and period of detention, the petitioners should be enlarged on bail with any conditions.

7. Learned counsel for the State submits that the case diary is not yet received but then, from the F.I.R., it is made to suggest that an amount of Rs.27,200/- and a gold chain was forcibly removed from the informant and he was threatened and demanded of Rs.2 lac and if the same was fulfilled, they would not be allowed to carry on the sand business.

8. It is fairly admitted by the learned counsel for the petitioners that petitioner No.1 is having four numbers of criminal cases and petitioner No.2 only one, whereas, petitioner No.3 does not have any and it is reiterated that accused persons have been implicated solely being the brothers of the other accused, namely, D. Santosh Reddy. The occurrence took place in the month of August, 2021. As such, there is no material on record to show that cash which was allegedly removed from the informant to have been seized by the local police. The investigation is still under way. As submitted, petitioner Nos.1 & 2 are in judicial custody since 20<sup>th</sup> September, 2021, whereas, petitioner No.3 is from 10<sup>th</sup> October, 2021. Since, the incident is more than four months old, the Court is under the impression that substantial part of investigation must have been over by now.

9. Having regard to the above facts and considering the submission of the learned counsel for the petitioners and the fact that the accused persons are in judicial custody since the

date of arrest, the Court is of the humble opinion that they should be enlarged on bail with stringent conditions and accordingly, it is ordered.

10. In the result, it is directed that the petitioners be released on bail on furnishing bail bonds of Rs.40,000/- (rupees forty thousand) each with one solvent surety for the like amount each to the satisfaction of the learned court below in seisin over the matter with conditions that they shall not terrorize or threaten the informant and cause any harm to him, in any manner whatsoever; and shall not tamper with the evidence by influencing the material witnesses connected to case, while on bail; and shall attend the P.S. and report the I.O. once in a fortnight preferably on Sunday in between 10.00 A.M. to 1.00 P.M. for the purpose of investigation.

11. In the event, any of the above conditions is/are flouted by the petitioners, it shall forthwith entail cancellation of their bail.

12. The BLAPL is accordingly disposed of in the above terms.

13. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25<sup>th</sup> March, 2020 as modified by Court's Notice No. 4798, dated 15<sup>th</sup> April, 2021, and Court's Office Order circulated vide Memo Nos. 5143 and 515 dated 7<sup>th</sup> January, 2022.

**(R.K.Pattanaik)**  
**Judge**