

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9481 of 2021

Bhobani Das

....

Petitioner

Mr.T.P.Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C.Das, A.S.C.

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. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. Perused the Case Diary, statements of witnesses as well as relevant materials.
4. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Brahmagiri P.S.Case No.38 of 2016 corresponding to Special T.R. Case No.52(A)/2016, pending in the Court of the learned Additional District Judge-cum-Special Court under POCSO Act, Puri for alleged commission of offence under Sections 366(A), 506 of the Indian Penal Code.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 07.09.2021 and in the meantime investigation of the case has been completed and final charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that the Petitioner has absolutely no role in

the present crime and he has been falsely entangled in this case due to previous dispute between the parties. He also submits that one of the co-accused have already been released on anticipatory bail. Learned counsel for the Petitioner further submits that since the Petitioner is permanently residing under Rambha Police Station there is no chance of his absconding or fleeing from the hands of justice and he undertakes to appear before the trial court on each date of posting.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that since the offence committed by the Petitioner is serious in nature, the prayer for bail of the Petitioner should be rejected.

7. Having heard learned counsel for the parties, considering the fact that role played by the Petitioner in the present crime and the period of custodial detention of the Petitioner and the fact that co-accused persons have been released on anticipatory bail, 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) 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.
101. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

