

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9495 of 2021

Badal Singh

....
Petitioner
Mr.N. Biswal, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr.G.N. Rout, Addl. Standing Counsel

CORAM:
JUSTICE R.K. PATTANAİK

Order No.

ORDER
12.01.2022

01.

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Jagatpur P.S. Case No.19 of 2021 corresponding to G.R. Case No.112 of 2021 pending in the court of learned J.M.F.C.(R), Cuttack on the grounds stated therein.
4. Perused the impugned order dated 25.10.2021 as at Annexure-1.
5. Learned counsel for the petitioner submits that only a mobile phone and cash of Rs.1100/- was snatched away from the informant and it was at the instance of two unknown persons. It is further submitted that the petitioner does not have any criminal antecedent and therefore, he should be released on bail.

6. Learned counsel for the State, on the other hand, submits that the case diary is not available.

7. On perusal of Annexure-1, it is made to suggest that the informant while on his way was intercepted by two unknown persons and he was pushed and as a result, fell down and was assaulted and an amount of Rs.1100/- was snatched away with a mobile phone. It is submitted that a mobile phone has been seized from the possession of the accused. However, it is further submitted by the learned counsel for the petitioner that there is no indication in the impugned order, as to if it is the same mobile which was snatched away from the informant to have been seized by the local police. The charge sheet has already been submitted, in the meantime.

8. Having regard to the above facts, absence of any incriminating material to directly connect the accused, closure of investigation and filing of charge sheet, the Court is inclined to enlarge the petitioner on bail with conditions.

9. Accordingly, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.25,000/- (rupees twenty five thousand) with one solvent surety for the like amount to the satisfaction of the learned court below, who shall impose such other conditions, as would be deemed just and proper, in the facts and circumstances of the case.

10. The BLAPL is accordingly disposed of.

11. 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 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(R.K. Pattanaik)
Judge

KC Bisoi

