

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9506 of 2021

Raj Kumar Tanwar @ Raju

....

Petitioner

Mr. B.K. Behera, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. A. N. Pradhan, Additional Standing Counsel

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

12.01.2022

Order
No.

- 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 of Cr.P.C for grant of bail to the petitioner in connection with Lingaraj P.S. Case No.237 of 2021 corresponding to C.T. Case No.4651 of 2021 pending in the file of learned S.D.J.M., Bhubaneswar.
 4. Perused the impugned order as at Annexure-1.
 5. Learned counsel for the petitioner submits that cash and other incriminating articles have already been recovered and seized by the local police and in the meantime, charge sheet was filed and considering the fact that a juvenile, who was involved has been granted bail, the present accused though having criminal antecedents, should be released with any conditions which is objected to by the learned counsel for the State on the ground that he is an outsider from the State of Haryana and that apart, there is

no information regarding recovery of money removed from the ATM counter.

6. Annexure-1 reveals that an amount of Rs.49,500/- was removed and ATM machine and subsequently, in course of investigation, the petitioner and other accused persons were apprehended basing upon the CCTV footages. It is also revealed from the rejection order that cash and many other incriminating materials have been recovered from the possession of the accused persons. It is also revealed about presence of number of criminal cases against the accused persons. But no specific reference as to be criminal antecedent to the credit of the petitioner is drawn to the attention of the Court. The charge sheet has been filed as submitted by the learned counsel for the petitioner. It is claimed that in one of cases, he was arrested and then the petitioner was forwarded in other criminal cases and considering the above fact and also recovery shown, the accused should be enlarged on bail with conditions.

7. Taking into account the submissions made by the learned counsel for the respective parties and period of detention besides filing of charge sheet, the Court is of the considered view that the petitioner is in custody from the date of arrest, he should be released on bail with conditions and accordingly, it is ordered.

8. In the result, the petitioner is allowed to go on bail on furnishing a bail bond of Rs.40,000/-(rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below in seisin over the matter, who shall impose such other conditions, as deemed just and proper, in the facts and circumstances.

9. The BLAPL is disposed of.

10. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notice No.4587, dated 25 March, 2020 as 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

TUDU

