

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9512 of 2021

Raj Kumar Tanwar @ Raju **Petitioner**
Mr. B.K. Behera, Advocate
-versus-
State of Odisha **Opposite Party**
Mr. K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
16.03.2022

Order No.
02.

I.A. No.394 of 2022

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application for interim bail.
3. During course of hearing, learned counsel for the Petitioner does not want to press this Interlocutory Application.
4. I.A. stands disposed of as not pressed.

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5. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Saheednagar P.S. Case No.341 of 2021, corresponding to C.T. Case No.4810 of 2021, pending in the file of learned S.D.J.M., Bhubaneswar, for commission of alleged offences under Sections 454/380/34 of IPC.
6. Heard learned counsel for both the parties. Perused the Case Diary, FIR and statement of witnesses.

7. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 15.09.2021. It is submitted that one of the co-accused person, namely, Kaifayat has been released on bail by this Hon'ble Court in BLAPL No.1063 of 2022 vide order dated 10.2.2022. Accordingly, a prayer has been made to consider the case of the Petitioner for bail sympathetically.

8. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. However, he submits in the event of release, stringent conditions may be imposed on the Petitioner.

9. 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 two local sureties 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. till conclusion of the trial;

(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.

10. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

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

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

(A.K. Mohapatra)
Judge