

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9563 of 2021

Santosh Sahu

....
Mr.S.S.Ray-2, Advocate

Petitioners

-Versus-

State of Odisha

....
Mr. S.N.Das, ASC

Opposite Party

**CORAM:
JUSTICE R.K.PATTANAIK**

Order No.

**ORDER
10.01.2022**

1. This matter is taken up by 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. for grant of bail to the petitioner in connection with B.N.Pur P.S. Case No. 177 of 2020 corresponding to G.R. Case No. 1383 of 2020 registered offence under Section(s) 457/380/411/34 of IPC pending in the Court of learned S.D.J.M., Berhampur on the grounds stated therein.
4. Perused the F.I.R. and charge sheet enclosed to the bail application and impugned order dated 07.10.2021 under Annexure-2.
5. Gone through the contents of the F.I.R. which reveals the fact that the informant who was a cook in the house of a doctor informed the local police about theft in the latter's house committed by some miscreants who said to have

removed some valuables. In that connection, B.N.Pur P.S. Case No. 177 of 2020 was registered and during investigation, the accused was remanded while being in judicial custody in another case.

6. Learned counsel for the petitioner submits that the accused is in custody since 29.12.2020 and he has been implicated while being in custody in another case based on his own confessional statement and in so far as the criminal antecedents are concerned, he is having 7 to 8 cases to his credit, out of which, in three cases, bail has already been granted in the month of December, 2021 and considering the fact that the alleged recovery was made from another accused, who happens to be a Director of a financial company situated at Bhubaneswar, he should be enlarged on bail which is opposed by the learned counsel for the State on the ground that the accused is having number of criminal antecedents and that apart, an amount of 1400/- EURO said to have been recovered from the Director of the alleged company which was subsequent to the statement of the petitioner recorded under Section 27 of the Indian Evidence Act.

7. The F.I.R. does not reveal the details of the items stolen from the spot house. In course of investigation, it seems that only an amount of 1400/- EURO stated to have been recovered one Sadananda Barisal, Director of All Day Financial Services, Bhubaneswar, who allegedly received it from the petitioner. Of course, it is made to suggest that the petitioner pursuant to his statement under Section 27 of the Indian Evidence Act, the alleged recovery was made by the police from the other accused, who said to have received it, who has not been arrested as is revealed from the copy of the charge

sheet filed in the month of February, 2021. The impugned order at Annexure-2 does reveal the presence of criminal antecedents but without any specific reference. The petitioner has remained in judicial custody almost for more than a year.

8. Having regard to the above facts and submissions made and taking into account the period of detention vis-à-vis the petitioner and the fact that the charge sheet has already been filed and the alleged recovery is shown that of 1400/- EURO from the possession of another accused, the Court is of the considered view that since the investigation stands concluded, the petitioner, who is in custody since 29.12.2020, should be enlarged on bail with any conditions and accordingly, it is ordered.

9. In the result, it is directed that the petitioner be released on bail on furnishing bail bond of Rs.40,000/- (rupees forty thousand) with two local solvent sureties for the like amount each to the satisfaction of the learned court below in seisin over the matter with conditions that he shall not involve himself in similar criminal activities, while on bail; and shall report before the P.S. and the IIC concerned once in fortnight on Sunday and continue to do so for a period of next six months without fail.

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 as modified by
Court's Notice No. 4798, dated 15th April, 2021.

(R.K.Pattanaik)
Judge

