IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9582 of 2021

Debasish Giri @ Fampu .... Petitioner
Mr.R.N. Rout, Advocate

-Versus-

State of Odisha .... Opposite Party
Mr. S.N. Das, Addl. Standing Counsel

CORAM:
JUSTICE R.K. PATTANAIK

ORDER

Order No. 10.01.2022

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 Jharpokharia P.S. Case No.211 of 2021 corresponding to C.T. Case No.2174 of 2021 pending in the court of learned S.D.J.M., Baripada on the grounds stated therein.

4. Perused the F.I.R. and the impugned order dated 11.10.2021.

5. Gone through the contents of the F.I.R. which reveals that on the date of occurrence the informant and other officials received information from reliable source about the congregation of some miscreants at a place with a plan to commit dacoity in the locality and accordingly, he and other officials rushed and reached at the spot and nabbed the petitioner and two other accused persons,

who allegedly admitted about the planning and then, recovery of incriminating materials, such as, knife etc. besides two live bombs were made and thereafter, forwarded them to the court and in that connection, Jharpokharia P.S. Case No.211 was registered.

6. Learned counsel for the petitioner submits that the present accused is a local man and does not have any criminal antecedent of similar nature and admittedly, he was nabbed at the spot along with two others but then considering the period of detention since 26.9.2021, he should be enlarged on bail, which is objected to by the learned counsel for the State on the ground that the materials on record well proved the involvement of the petitioner from whom two live bombs were recovered and said to have been seized by the local police.

7. The F.I.R. reveals congregation and presence of the petitioner and two other accused persons, who were nabbed at the spot by the police before whom they said to have disclosed the plan to commit dacoity in the local area. Admittedly, number of incriminating materials, such as, plastic bottle, knifes, beer bottle, iron rods with two live bombs shown to have been recovered from the spot. According to the learned counsel for the petitioner, the accused is not having any criminal track record. It seems that the investigation is still in progress. Of course, the petitioner was apprehended at the spot with two others but it seems that the petitioner is having no previous antecedent.

8. Having regard to the above facts and detention of the petitioner for the last three and half months and as substantial part of investigation appears to be over, inasmuch as, all the incriminating materials shown to have been recovered and seized

at the spot itself, the Court is inclined to release the petitioner on bail with stringent conditions.

9. Accordingly, it is directed that the petitioner be released 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 with the conditions that he shall not commit any similar office or be involved in such activities, while on bail; shall attend the PS once in a fortnight on Sunday between 10 a.m. and 1 p.m; and shall report the IO for the purpose of investigation and continue to do so till its conclusion.

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

KC Bisoi