

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9584 of 2021

Hemanta Dash

....
Mr.T.K. Mohanty, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. S.N. Das, Addl. Standing Counsel

Opposite Party

**CORAM:
JUSTICE R.K. PATTANAİK**

Order No.

**ORDER
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 C.T. Case No.5347 of 2021 arising out of Chandrasekharpur P.S. Case No.410 of 2021 pending in the court of learned S.D.J.M., Bhubaneswar on the grounds stated therein.
4. Perused the F.I.R. and the impugned order dated 26.10.2021.
5. Gone through the contents of the F.I.R. which is lodged by the informant by stating that during the night of alleged occurrence, a thief entered inside his clinic through window by breaking the iron grill and removed an amount more than Rs.2.00 lac besides other valuables. In that connection, Chandrasekharpur

P.S. Case No.410 was registered and later on, the petitioner was forwarded and remanded to the judicial custody.

6. Learned counsel for the petitioner submits that the accused has been in custody since the month of October, 2021 and as such, no recovery of any looted amount of cash was made except one motorcycle and a crow bar, considering which, he should be enlarged on bail with any conditions, which is objected to by the learned counsel for the State on the ground that he is having 92 criminal cases to his credit and therefore, a habitual offender and that apart, his movement was detected on inspection of CCTV footage by the local police.

7. Admittedly, except one motorcycle and a crow bar, no other seizure has been made especially with regard to the cash which was allegedly looted from the clinic of the informant, which is claimed to be more than Rs.2.00 lac. It is not denied by the learned counsel for the petitioner that the accused is having criminal antecedents being involved in 92 cases. However, it is submitted that since he is not involved in the alleged incident but the local police entangled him for having criminal track record and forwarded to the court despite being no recovery made. The petitioner to be aged about 58 years and local inhabitant of Old Town, Bhubaneswar. It is submitted to the Court that a substantial part of investigation to be over.

8. Having regard to the above facts and the period of detention of the petitioner and absence of any recovery of the looted cash from the accused, the Court is inclined to release 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.40,000/- (rupees forty 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 as modified by Court's Notice No.4798, dated 15th April, 2021.

(R.K. Pattanaik)
Judge