

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9594 of 2021

Patitapaban Prusty @ Chiku

....

Petitioner

Mr. B. R. Dalai, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.N. Das, Additional Standing Counsel

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

10.01.2022

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 Dhauli P.S. No.139 of 2021 registered under Section(s) 417, 418, 419 and other allied offences of IPC corresponding to C.T. Case No.5124 of 2021 pending in the file of learned S.D.J.M., Bhubaneswar.
4. Perused the impugned order dated 27.10.2021 as at Annexure-1 and also the FIR.
5. Gone through the contents of the FIR.
6. Learned counsel for the petitioner submits that the brother of the accused had lodged the FIR by stating that the petitioner was abducted but in course of investigation, the local police found that he misled the family and his wife and apparently, while travelling in a train along with his lady companion was intercepted at Khurda

and in that connection, the report was lodged by the informant SI of Dhauli P.S., Bhubaneswar UPD and he is in custody since 16.09.2021 and considering the above and the fact that he himself hatched a plan to elope with his girl friend, the petitioner should be enlarged on bail with any conditions.

7. Learned counsel for the State apprised the Court that the petitioner was by then working as an employee of Swiggy organization and did the alleged mischief by informing his family about kidnapping.

8. From the FIR, it is made to suggest that the petitioner with a plan to elope with his girl friend mislead his family intimating his wife over phone about the kidnapping but then in course of investigation, he was traced out and nabbed by the local police at Khurda, while travelling in a train. In other words, the petitioner planned his disappearance by informing his wife and family members about the alleged kidnapping. The petitioner appears to be in custody for more than three months. Having regard to the above facts and the period of detention of the petitioner for whose mischief the FIR was lodged by the informant and considering the peculiar facts and circumstances of the case, the Court is of the considered view that the accused should be released on bail with conditions and accordingly, it is ordered.

9. In the result, the petitioner is allowed to go on bail on furnishing a bail bond of Rs.20,000/-(rupees twenty 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.

10. The BLAPL is disposed of.

11. 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

