

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9612 of 2021

Santosh Sahu

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

-Versus-

State of Odisha

.... **Opposite Party**
Mr. S.S.Mohapatra, ASC

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
11.01.2022

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.Sadar P.S. Case No. 257 of 2020 corresponding to G.R. Case No. 1424 of 2020 registered offence under Section(s) 457/380/34 of IPC pending in the Court of learned J.M.F.C., Berhampur on the grounds stated therein.
4. Perused the F.I.R. as at Annexure-1, impugned order dated 07.10.2021 under Annexure-2 and copy of the charge sheet enclosed to the bail application for perusal of the Court i.e. Anneuxure-3.
5. Gone through the contents of the F.I.R. which reveals the fact that the robbery committed in the house for which the informant lodged the report by stating therein that some

miscreants by breaking open the lock of the door entered inside during the night of the occurrence and stolen some gold ornaments and other valuable items and cash of Rs. 15,000/-. In that connection, B.Sar P.S. Case No. 257 of 2020 was registered and during investigation, the accused was forward to the court and remanded.

6. Learned counsel for the petitioner submits that the accused is in judicial custody in connection with another case and was simply forwarded which is based on disclosure made by a co-accused who ... the police and the discovery of the some stolen articles and therefore, there is no direct evidence to implicate him and considering the same, he should be enlarged on bail with any conditions. Learned counsel for the petitioner fairly admits about the presence of some criminal cases to the credit of the accused.

7. Learned counsel for the State, on the other hand, opposed the release of the petitioner on bail on the ground that he has 14 numbers of criminal antecedents and he is found to be involved in the alleged incident.

8. The investigation stands concluded. A copy of the charge sheet under Annexure-3 is made available to the Court for reference. There is no denial to the fact that the petitioner being involved half a dozen of cases, in some of the cases as is submitted by the learned counsel for the petitioner that the accused have been granted bail by this Court. It is further submitted by the learned counsel for the petitioner that no recovery of any kind of stolen articles from the possession of the petitioner who was in custody and subsequently, forwarded to the court and was remanded. The co-accused who was arrested appears to have made disclosure and

discovery of certain articles said to have been stolen from the house of the informant. It is informed to the Court that no T.I. parade was conducted in the instant case.

9. Considering the above facts, regard being had to the submissions made by the learned counsel for the respective parties and taking into account the period of detention vis-à-vis the petitioner and the fact that the charge sheet was submitted in the month of February, 2021, the Court is of the considered view that the accused should be enlarged on bail with any conditions and accordingly, it is ordered.

10. In the result, it is directed that the petitioner be released on bail on furnishing bail bond of Rs.30,000/- (rupees thirty thousand) with one solvent surety for the like amount each to the satisfaction of the learned court below, who shall impose such terms and conditions, as deemed just and proper, in the facts and circumstances of the case.

11. The BLAPL is accordingly disposed of.

12. 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, and Court's Office Order circulated vide Memo Nos. 5143 and 515 dated 7th January, 2022.

(R.K.Pattanaik)
Judge

