

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9651 of 2021

Sahil Suniyani

....

Petitioner

Mr. D.K. Mohapatra, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.N. Das, Additional Standing Counsel

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

11.01.2022

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 Sundargarh Town P.S. Case No.6 of 2021 registered under Section(s) 392 and 34 IPC corresponding to G.R. Case No.14 of 2021 pending in the file of learned S.D.J.M., Sundargarh on the grounds stated therein.
 4. Perused the FIR and impugned order dated 11.10.2021 as at Annexure-2.
 5. Gone through the contents of the FIR.
 6. Learned counsel for the petitioner submits that three unknown persons committed the alleged overt acts during which mobile phones and cash of Rs.900/- were snatched away and removed but then, there has been no recovery made from the present accused, who is in judicial from 05.02.221. It is further

submitted that in view of the period of detention and absence of any recovery and seizure made from the petitioner, he should be enlarged on bail with any conditions which is objected to by the learned counsel for the State by claiming that he is having criminal antecedent reference of which has been made in Annexure-2.

7. On perusal of Annexure-2, the Court finds that there is no mention with regard to the number of criminal antecedent in details vis-à-vis the petitioner. In fact, one of the accused, namely, Prakash Chandra @ Kalia was arrested and he alleged to have confessed before the police involving the petitioner, who was arrested thereafter. It is admitted that in one out of eight cases, the petitioner has been granted bail. The petitioner is in custody since the month of February, 2021. As informed by the learned counsel for the State, charge sheet has been filed but two other accused persons are still absconding.

8. Having regard to the above facts, submissions made and closure of investigation and period of detention of the petitioner which is almost nearing one year notwithstanding presence of criminal antecedents, the Court is of the considered view that further detention of the accused is unnecessary and therefore, he should be released on bail with following conditions.

9. In the result, the petitioner is allowed to go on bail on furnishing a bail bond of Rs.25,000/-(rupees twenty five 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

