

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9656 of 2021

Kapila Naik

....

Petitioner

Ms. A. Hota, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.N. Das, Additional Standing Counsel

CORAM:

MR. JUSTICE R.K. PATTANAIK

Order
No.

ORDER
11.01.2022

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 of Cr.P.C for grant of bail to the petitioner in connection with Talcher P.S. Case No.427 of 2021 corresponding to G.R. Case No.1897 of 2021 pending in the file of learned S.D.J.M., Talcher.
4. Perused the copy of the FIR i.e. Annexure-1 and other documents, such as, forwarding report as at Annexure-2 and a seizure memo besides the impugned order dated 25.10.2021 i.e. Annexure-4.
5. Gone through the contents of the FIR.
6. Learned counsel for the petitioner submits that the accused has been implicated in the alleged occurrence with the claim that he was found present at the spot along with other accused persons and all of them were planning to commit dacoity. It is further submitted

that the petitioner is in custody since 13.10.2021 and is having two other criminal cases but of different nature, considering which, he should be enlarged on bail with any conditions.

7. Learned counsel for the State submits that prime facie the materials show presence of the accused at the spot as he was nabbed there itself and a sword is stated to have been recovered from him.

8. The petitioner and other accused persons allegedly congregated at the spot which was surrounded by the informant and other police officials and they were nabbed and thereafter, during search, the alleged recovery was made i.e. sword and other articles. The recovery is shown against the petitioner is of a sword. As revealed from the impugned order i.e. Annexure-4, two more cases are there to the credit of the petitioner i.e. Talcher P.S. Case Nos.97 of 2020 and 373 of 2021 but related to different kind of offences. Having regard to the above facts and the fact that substantial part of the investigation appears to be over, the Court is of the considered view that the petitioner should be enlarged 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.30,000/-(rupees thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below in seisin over the matter with conditions that he shall not commit such offence or involve or indulge himself in any such similar kinds of criminal activities, while on bail; and shall attend PS and report the IO concerned once in a fortnight preferably on Sunday between 10 AM to 1 PM for the purpose of investigation till it is over.

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

