

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9798 of 2021

Kalu @ Hatakhandi @ Md. Sekhawat* *Petitioner

Mr. Manas Chand, Advocate

-versus-

State of Odisha* *Opposite Party

Mr. P.K. Mohanty, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

18.01.2022

Order No.

01. 1. The matter is taken up through video conferencing mode.
2. Heard Mr. M. Chand, learned counsel for the Petitioner and Mr. P.K. Mohanty, learned Additional Standing Counsel.
3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Kalu @ Hatakhandi @ Md. Sekhawat in connection with Khurda P.S. Case No.367 of 2001 corresponding to G.R. Case No.841 of 2001 pending in the court of learned S.D.J.M., Khurda for alleged commission of offence under Section 392/34 of the Indian Penal Code.
4. It is submitted that the offence is relating to the year 2001 and the Petitioner though has been shown as an absconder, but in fact, he was inside custody being convicted in another case. Mr. Chand while submitting in all fairness that the Petitioner has six numbers of criminal antecedents, further submits that despite the fact that the Petitioner was convicted and inside jail custody for five years, the

Police did not pray for taking him to custody in the present case and only after his release he was again taken to custody.

5. Upon hearing Mr. Mohanty, learned Additional Standing Counsel and considering the circumstances of the case as well as the period of detention of the Petitioner inside custody, it is directed to release the present Petitioner on bail in the aforesaid case on such terms and conditions to be fixed by the learned court in seisin over the matter including the condition that, the Petitioner shall attend the trial court on each date fixed, shall not be involved in any other offence while on bail and shall appear before the I.I.C. Khurda P.S. once in each week for a period of six months from the date of his release.

6. It is made clear that violation of any such conditions fixed by this Court or by the Court below shall entail cancellation of bail and the trial court shall be competent to decide the question of cancellation of bail in the event such occasion arises.

7. The BLAPL is accordingly disposed of.

8. 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, in the manner prescribed vide Court's Notice No.514 dated 7th January, 2022.

(B.P. Routray)
Judge