

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10880 of 2021

Biswajit Das @ Kangu Das

..... Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

..... Opp. Party

***Mr. T.K. Praharaj,
Standing Counsel***

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

24.01.2022

Order No.

- 01.
1. This matter is taken up through Video Conferencing Mode.
 2. Heard learned counsel for the parties. Perused the F.I.R., Case Diary and other relevant documents.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 4. The Petitioner is an accused in G.R. Case No.1322 of 2021 corresponding to Jagatsinghpur P.S. Case No.608 of 2021 pending in the court of learned S.D.J.M., Jagatsinghpur for commission of offence punishable under Sections 384/294/323/506/34, I.P.C.
 5. It is alleged that on 09.11.2021, the present Petitioner along with two other co-accused went to hotel 'Amruta Taste located at Chandola and demanded cash of Rs.500/- from the cook. As he is cook replied that his owner is not present and he is unable to give them money, for which the accused persons became furious and abused him with fist blows as a result of which he fell down, the accused persons forcibly took away a cash of Rs.800/- from the drawer of the hotel and also assaulted the helper of the held and threatened them with dire consequences.

6. It is submitted by learned counsel for the Petitioner that basing on the confessional statement of the co-accused persons, the Petitioner has been falsely implicated in the case and he is in custody since 10.11.2021.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, it is directed that let the Petitioner be released on bail by furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one local solvent surety for the like amount to satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not get involved in any offence of similar nature while he is on bail, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever and shall appear in court during trial on each and every date without fail. Violation of any of the terms and conditions shall entail cancellation of bail granted hereby. It is open for the court in seisin over the matter to impose any conditions as may deem just and proper.

9. The Bail Application is accordingly allowed.

10. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out 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 Office Order dated 7th January, 2022.

