

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10909 of 2021

Babul Behera

....

Petitioner

Mr. P.S. Nayak

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

24.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. The Petitioner being in custody in connection with Nalco Township P.S. Case No.28 of 2021 corresponding to G.R. Case No.163(A) of 2021 on the file of learned J.M.F.C., Banarpal, for commission of offences under sections 395/307 IPC, has filed this application under section 439 of the Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that accidentally this Petitioner being there with real culprits, he has been arrested in the case as one of their associates. He further submits that in so far as this Petitioner is concerned, no such direct role in the incident is being attributing. It is also submitted that this Petitioner is having no criminal antecedent as to the earlier involvement in similar incident and he is a victim of the circumstance. It is submitted that the investigation of the case is by now complete and the Petitioner being a permanent resident of district of Angul, there remains no scope on the part of the Petitioner to flee from justice and in the facts and

circumstances, the question of tampering the evidence also does not arise. He therefore urges for grant of bail to the Petitioner as according to him, further detention of the Petitioner in custody till conclusion of the trial would serve no useful purpose.

4. Learned counsel for the State opposes the move. According to him, it is too premature a stage to say that the presence of the Petitioner at the spot was accidental.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner with other surrounding circumstances including the period of detention of the Petitioner in custody and on going through the order passed by the learned Sessions Judge, Angul in the absence of any such impediment; it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that he will report before the IIC, Nalco Township P.S. on every Sunday in between 10 am to 1 pm for a period of one year; will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial and will not indulge in commission of similar activity. Violation of any of the above condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.

7. 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, 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.

(A.K. Mohapatra)
Judge

U.K.Sahoo

