

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10919 of 2021

Ajay Toppo and another

..... Petitioners

Mr. B.P. Mohanty, Advocate

-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. Heard learned counsel for both the parties and perused the records.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioners for bail in connection with Lahunipada P.S. Case No.154 of 2020, corresponding to G.R. Case No.764 of 2020, pending in the court of learned S.D.J.M., Bonai, for commission of alleged offence under Section 379 I.P.C.
4. Learned counsel for the Petitioners submits that a false and fabricated case has been foisted against them. It is submitted that basing upon the confessional statement of one co-accused person, the present Petitioners have been entangled in the case and are languishing in jail custody from the date of their arrest.
5. Learned Standing Counsel for the State vehemently objected to the bail of the Petitioners. However, he submits if the Petitioners are released on bail, stringent conditions may be imposed on the accused Petitioners.

6. Having heard learned counsel for the parties and considering the period of detention of the Petitioners, it is directed that the Petitioners be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety each for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioners shall cooperate with the investigation and shall not threaten the witnesses or tamper with the evidence in any manner, whatsoever.

7. Petitioners are also directed to appear before the local police station at an interval of every fifteen days between 11.00 A.M. to 1.00 P.M. on a working day once they come out of the jail custody. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioners and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioners have no criminal antecedents of similar nature.

8. With the above direction, the BLAPL is accordingly allowed.

9. 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.

(A.K. Mohapatra)
Judge