

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10927 of 2021

B. Ashok Patra

.... ***Petitioner***
Mr. J. Sahoo, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
28.11.2022

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with S.T. Case No.83 of 2019 corresponding to G.R. Case No.307 of 2018 arising out of Chamakhandi P.S. Case No.92 of 2018 pending in the file of learned Addl. Sessions Judge, Chatrapur, Ganjam for commission of offences punishable under Sections 395/397 of IPC read with Section 25/27 of Arms Act, on the allegation of committing dacoity of Rs.9,28,800/- (Rupees Nine Lakhs Twenty Eight Thousand and Eight Hundred) by assaulting the informant.
3. In the course of hearing of the bail application, Mr. J. Sahoo, learned counsel for the petitioner submits that the co-accused namely J. Jayaram Reddy, Manoj @ Laxmikanta Das, Biswajit Barik @ Muna and Manoj Kumar Sahu have already been granted bail in

BLAPL Nos. 2967 of 2019, 7240 of 2018, 4860 of 2019 and 8051 of 2019, but Biswajit Barik @ Muna and Manoj Kumar Sahu were identified in the T.I. parade, but the petitioner having already been detained in custody for more than four years, may kindly be released on bail at least on the principle of parity.

4. On the contrary, learned counsel for the State, however, strongly opposes the bail application of the petitioner by inter alia submitting that although there is no criminal antecedent available against the petitioner, but he having identified in the T.I. parade, should not be enlarged on bail.

5. Considering the rival submissions made, nature and gravity of the accusations, the period of custody of the petitioner since 30.09.2018, release of co-accused persons, out of whom two have been identified in T.I. parade, on bail and keeping in view the fact that the petitioner had surrendered to custody after availing the interim bail and regard being had to the non-conclusion of trial after four years of the custody of the petitioner and further no criminal antecedent being reported against the petitioner, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave

the jurisdiction of the trial Court without prior permission till disposal of the case and that the petitioner shall report attendance before the jurisdictional Police Station once in a week for six months preferably on Monday in between 12 Noon to 1 PM. The I.I.C. of jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case is at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

