

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.498 of 2021

Aresu @ Aresh Das

.... ***Petitioner***
Mr.B.N.Satpathy, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.03.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
 3. The present revision has been filed challenging the order dated 25.11.2021 passed by the learned Additional District and Sessions Judge (In-Charge), Angul in Criminal Appeal No.36 of 2021 thereby rejecting the bail application of the Petitioner keeping in view the gravity of the offence under section 379 of the Indian Penal Code in connection with Chhendipada P.S.Case No.366 of 2021 corresponding to J.D.Case No.86 of 2021 of the Court of the learned P.M. J.J.B, Angul.
 4. That the prosecution case as narrated in the F.I.R. in short is that the informant Sarat Sahu lodged an information before the I.I.C., Chhendipda Police Station alleging therein that on 13.08.2021 at about 11 A.M. he had withdrawn an amount of Rs.60,000/- from ICICI Bank,

Chhendipada and kept the same in his motorcycle dicky. It is also alleged by the informant that he parked his motorcycle inside the Block Office, Chhendipada campus and after some time when he returned from the front gate of the Block Office, he found someone took away the entire amount by breaking open the dicky of the motorcycle. On the aforesaid information Chhendipada P.S. Case No.366 of 2021 under section 379 of the Indian Penal Code has been registered.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 27.08.2021 and that investigation of the case has been concluded and the Police has filed charge sheet. It is submitted by the learned counsel for the Petitioner that the parents of the Petitioner are ready to abide by any terms and conditions imposed by this Court for his release on bail. In such view of the matter, he has prayed for grant of bail to the Petitioner.

6. On the other hand, learned Additional Standing Counsel has vehemently opposes the prayer for bail of the Petitioner keeping in view the nature of allegations and in view of the involvement of the Petitioner in many cases of similar nature. He also submits that the bail application of the Petitioner needs to be rejected for his institutional care and protection.

7. Considering the aforesaid facts and circumstances of the case and the fact that the Petitioner is in custody since 27.08.2021 this Court is inclined to release the Petitioner on bail subject to furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount by the parents of the Petitioner to the satisfaction of the learned court in seisin over the matter and further subject to the terms and conditions as deem fit and proper by the learned Court in seisin over the matter keeping in view Section 12 of the Act.

8. The impugned order is set aside. The Revision is allowed.

RKS

(A.K. Mohapatra)
Judge

