

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12371 of 2022

***Santosh Kumar Samal @ Santua
Samal***

....

Petitioner

Mr. B. Rath, Advocate

-versus-

State of Orissa

....

Opp. Party

Mr. P.K. Pattnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

21.12.2022

Order No.

- 01.
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 Gurudijhatia P.S. Case No.171 of 2022 corresponding to C.T. Case No. 675 of 2022 pending in the file of learned S.D.J.M., Athagarh for commission of offences punishable U/Ss. 341/323/324/506/307/34 of IPC, on the allegation of restraining and assaulting the injured informant by a blade and, thereby, attempted to commit murder of the injured, along with co-accused person in furtherance of their common intention.
 3. In the course of hearing of the bail application, Mr. B. Rath, learned counsel for the Petitioner submits that there is absolutely no allegation against the Petitioner for commission of any crime, but the Petitioner having falsely implicated in this case and the main allegation of attempting to the life of the injured being directed against co-accused Ashok Mallik, the present Petitioner may kindly be granted bail.
 4. On the other hand, Mr. P.K. Pattnaik, learned A.G.A. however, does not dispute about the role played by the Petitioner remaining present at the spot, but he however, strongly opposes the bail application of the Petitioner on the ground that the Petitioner has also shared common

intention with co-accused for attempting to the life of the injured-informant.

5. Considering the rival submissions made, taking into consideration the nature and gravity of accusations raised against the Petitioner and other circumstances on record in entirety including the fact that the main allegation of attacking the injured-informant by means of blade being directed against the co-accused-Ashok Mallik, who is not the Petitioner in this case and regard being had to the pre-trial detention of the Petitioner and the principle that bail is the rule, but jail is the exception, this Court admits the Petitioner to bail.

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.25,000/- (Rupees Twenty Five Thousand) 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 the Petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on Sunday in between 10A.M. to 12 Noon for three months from the date of his release from the custody. 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 will be 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