

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11258 of 2021

Sushant Kumar Dhalsamanta ***Petitioner***
Mr.Saroj Kumar Padhy, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

02.

ORDER

13.07.2022

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. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Chauliaganj P.S. Case No.32 of 2016 corresponding to G.R.Case No.253 of 2016 pending in the Court of the learned S.D.,J.M., Sadar, Cuttack for commission of an alleged offence under Sections 25(1-B)/25(1-AA) Arms Act, 1959.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 02.03.2016 and charge sheet has been submitted in this case. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody beyond the period prescribed in the event of conviction. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is a local person, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall

appear before the trial court on each date of posting of the case and is ready and willing to abide by the terms and conditions that may be imposed by this Court.

5. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that many cases are pending against the Petitioner and if at this stage, he will be released on bail, he may influence the witnesses and there will be delay in trial.

6. Considering the aforesaid submissions and keeping in view the entire facts of the case and the period of custodial detention of the Petitioner, this Court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two local solvent sureties each for the like amount each to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) He shall not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses while on bail.
- v) Violation of any of the terms and conditions shall entail cancellation of bail.

7. The trial court may impose any other condition(s) as deem fit and proper.

8. The Bail Application is accordingly disposed of.

9. Issue urgent certified copy of this order as per Rules.

Judge

