

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12412 of 2022

Jagannath Das

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. S.R. Roul, ASC

**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 C.T. Case No.1246 of 2022 arising out of Jajpur Road P.S. Case No.494 of 2022 pending in the file of learned J.M.F.C., Jajpur Road, Dist-Jajpur for commission of offences punishable under Sections 457/380 of IPC, on the allegation of committing theft by trespassing in to the house of the informant.
3. In the course of hearing of the bail application, Mr. A. Mishra, learned counsel for the petitioner submits that even if the allegations on record are taken into consideration, no offence is disclosed against the petitioner and the petitioner having no criminal antecedent and detained in custody since 22.09.2022, he may kindly be granted bail by taking into consideration the fact that

charge-sheet has already been submitted and all the offences alleged against the petitioner, are triable by Magistrate First Class.

4. On the contrary, Mr. S.R. Roul, learned ASC does not dispute about non reporting of any criminal antecedent against the petitioner, but he, however, strongly opposes the bail application of the petitioner on the ground that a cash of Rs.1,00,000/- (Rupees One Lakh) has been recovered from the petitioner and, therefore, the petitioner may not be granted bail.

5. Considering the rival submissions made, taking into consideration the nature and gravity of the accusations raised against the petitioner as well as the surrounding circumstances in which the crime has been committed and taking into account the pre trial detention of the petitioner and keeping in view the fact that no criminal antecedent has been reported against the petitioner and charge-sheet having already been submitted, 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 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 preferably on Sunday in between 12 Noon to 1 PM. for six(6) months. 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.

This order may not be considered as a precedent for grant of bail to the co-accused persons.

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

Subhasmita

