

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12419 of 2022

Lalan Lehri & another

Petitioners
....
M/s. A.K.Raut, Advocate

-versus-

State of Orissa

Opp. Party
....
M/s.S.R.Roul, A.S.C.

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 Petitioners for grant of bail in connection with Jharsuguda P.S. Case No. 677 of 2022 corresponding to C.T. Case No.3018 of 2022 pending in the Court of learned S.D.J.M., Jharsuguda for commission of offence punishable U/Ss. 379/411/34 of IPC read with Section 7 of E.C. Act on the allegation of committing theft of LPG gas unauthorisedly through LPG cylinders.
 3. In the course of hearing of the bail application, Mr.A.K.Raut, learned counsel for the petitioners submits that all the allegations levelled against the petitioners are false and the offences alleged against them are triable by Magistrate First Class and do not prescribe punishment beyond three years and the petitioners, therefore, may kindly be granted bail.
 4. On the contrary, Mr.S.R.Roul, learned counsel for the State

strongly opposes the bail application of the petitioners.

5. Considering the rival submissions made, taking into consideration the nature and gravity of accusations raised against the petitioners as well as the surrounding circumstances including the pre-trial detention of the petitioners and progress of investigation and keeping in view the fact that all the offences are triable by Magistrate First Class and regard being had to the principle that the bail is the rule but jail is the exception and taking into consideration the other circumstance in entirety, this Court admits the petitioners to bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioners be released on bail on furnishing bail bonds of Rs.50,000/- each with one solvent surety each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioners shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioners shall attend the trial Court on each date of posting of the case unless their attendance is dispensed with and that the petitioners shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday of every month in between 10 A.M. to 12 Noon for six months from the actual date of release from the custody. The I.I.C. of jurisdictional Police Station shall not detain the petitioners unnecessarily after recording their 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 petitioners 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. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge

Kishore

