

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11300 of 2021

Farhari Mahato

.... ***Petitioner***
Ms. D. Nanda, *Advocate*

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
27.01.2022

Order No.

- 01.
1. This matter is taken up through Video Conferencing Mode.
 2. Heard learned counsel for the parties.
 3. This is an application under Section 439 of Cr.P.C. for grant of bail to the Petitioner in connection with Lahunipara P.S. Case No.127 of 2021 corresponding to G.R. Case No.470 of 2021 pending in the file of learned S.D.J.M., Bonai on the grounds stated therein.
 3. Perused the impugned order dated 05.10.2021.
 4. Learned counsel for the Petitioner submits the accused was working under a scrap dealer and the allegation against him is that some scrap items were recovered from his possession in relation to the stolen vehicle and in the meantime, the charge sheet is filed and considering the same and as he is in custody from the month of August, 2021, should be enlarged on bail with conditions, which is objected to by the learned counsel for the State on the ground that the petitioner is having criminal antecedent being involved in 4 to 5 cases and in so far as scrap materials recovered and seized are concerned, it related to the stolen vehicle which was duly verified by the police.

5. Admittedly, an FIR was lodged with regard to missing of a vehicle, parts of which were found from the possession of the scrap dealer. It is claimed by the learned counsel for the Petitioner that the accused works under the alleged scrap dealer and at that point of time, the seizure was made. In any case, as informed to this Court, investigation stands concluded.

6. However, considering the above facts and the fact that charge sheet has already been filed in the meantime and having regard to the fact that only scrap parts were recovered with regard to the stolen vehicle, the Court is of the considered view that the Petitioner should be released on bail with conditions.

7. In the result, it is directed that the Petitioner be released on bail on furnishing a bail bond of Rs.25,000/- (Rupees twenty five thousand) with one solvent surety for the like amount to the satisfaction of the learned court below in seisin over the matter, who shall impose such other conditions as deemed just and proper, in the facts and circumstances.

8. The BLAPL is disposed of.

9. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.