

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11344 of 2021

Uchhab Dalei and others

.... ***Petitioner***
Mr. A. Tripathy, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. K. Gaya, *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. Perused the F.I.R., Case Diary and other relevant documents.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. Learned counsel on behalf of the Petitioners submits that he does not want to press the bail application in respect of the Petitioner No.1-Uchhab Dalei. Accordingly, the bail application of the Petitioner No.1-Uchhab Dalei stands disposed of as not pressed and so far as Petitioner No.3-Achuta Dalei is concerned, the bail application of the Petitioner No.3-Achuta Dalei stands rejected.
5. The Petitioner No.2-Sibananda Dalei is an accused in G.R. Case No.139 of 2021 corresponding to Fategarh P.S. Case No.152 of 2021 on the file of learned J.M.F.C., Bhapur for commission of offences under Sections 341/323/324/325/294/354/506/307/34, I.P.C. subsequently turned to under Section 302, I.P.C.
6. It is submitted by learned counsel for the Petitioner that the

Petitioner has been falsely implicated in the case and he is in custody since 30.08.2021.

7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner No.2-Sibananda Dalei, it is directed that let the Petitioner No.2-Sibananda Dalei be released on bail by furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one local solvent surety for the like amount to satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner No.2-Sibananda Dalei shall not get involved in any offence of similar nature while he is on bail, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever and shall appear in court during trial on each and every date without fail. Violation of any of the terms and conditions shall entail cancellation of bail granted hereby. It is open for the court in seisin over the matter to impose any conditions as may deem just and proper.

9. The Bail Application is accordingly allowed.

10. 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.

(A.K. Mohapatra)
Judge