

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11406 of 2021

Kusa Swain

....

Petitioner

Mr. Susanta Kumar Baral, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, ASC

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

13.07.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Athagarh P.S. Case No.178 of 2014, corresponding to C.T. Case No.354(A) of 2014, pending in the court of learned Addl. Sessions Judge, Athagarh, for commission of the alleged offences under Sections 396/307, I.P.C.
3. Heard learned counsel for both the parties. Perused the F.I.R, Case Diary and the statement of witnesses.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 01.09.2021. It is further submitted that, after completion of investigation, police has filed charge-sheet against the present Petitioner. He submits that he has been falsely implicated in the case and he has no criminal antecedents. The only allegation against the Petitioner is that he is the owner of the vehicle

which was used in the crime in another case. It is further submitted that, one of the co-accused persons, namely Maguni Charan Sahoo has been released on bail on 18.05.2022 by this Court in BLAPL No.8024 of 2021. A further submission was also made that the Petitioner has one criminal antecedent and was arrested in that matter and subsequently released on bail. Accordingly, he urges for bail of the present Petitioner.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner on the ground that serious allegation has been made against the Petitioner. It is further submitted that, earlier the Petitioner was also involved in the similar type of offences. Accordingly, he prays for rejection of the bail application of the Petitioner.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioner on bail subject to furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local sureties for the like amount to the satisfaction of the learned court in seisin over the matter, subject to the terms and conditions as fixed by the trial court, with a further condition that the Petitioner shall appear before the I.O. once in a week for two months and thereafter once in a fortnight, preferably on Sunday from 10 A.M. to 1 P.M., till conclusion of the trial.

7. With the aforesaid observation, the BLAPL stands disposed of.

8. Urgent certified copy of this order be granted on proper application as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

