

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11414 of 2021

Sushant Kumar Dhalsamanta

....

Petitioner

Mr. S.K. Padhy, Advocate

-versus-

State of Orissa

....

Opp. Party

Mr. M. Mishra, ASC

CORAM:

JUSTICE G. SATAPATHY

ORDER

28.10.2022

Order No.

- 06.
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 S.T. Case No.68 of 2021 corresponding to G.R. Case No.319 of 2018 arising out of Cuttack Sadar P.S. Case No.87 of 2018 pending in the file of learned Sessions Judge, Cuttack for commission of offences punishable under Sections 457/387/307/120-B/109/34 of IPC read with Section 25 (I-A)/27 of Indian Arms Act on the allegation of abetting the commission of offences by hatching conspiracy with co-accused person who fired from his pistol aiming at the informant by trespassing into the house of the informant for the purpose of extortion.
 3. In the course of hearing of the bail application, Mr. S.K. Padhy, learned counsel for the petitioner submits that although there appears allegation against the petitioner for hatching conspiracy with co-accused persons to commit the offences for the purpose of extortion, but no material has been collected by the Investigating Agency to establish such facts. It is further submitted by him that

neither any Call Detailed Report nor any communication made between the petitioner and other co-accused persons have been brought on record and the petitioner being in judicial custody since 29.01.2016, it is absolutely impossible for him to hatch any conspiracy to execute the commission of crime because the informant was attempted to be shot at on 23.02.2018 but then the petitioner was inside the jail custody. It is further submitted by him that the main allegation of shooting at the informant is directed against co-accused, Miku @ Mrutyunjay Nayak who has already been granted bail by this Court in BLAPL No.7153 of 2018 and other co-accused namely Ranjita Biswal who had allegedly supplied the pistol to co-accused Miku @ Mrutyunjay Nayak has also been granted bail in BLAPL No.2021 of 2018, besides grant of bail to another co-accused Kuna @ Sarat Behera in BLAPL No.5643 of 2018 by this Court and the petitioner being falsely implicated in this case, may kindly be enlarged on bail.

4. On contrary, learned counsel for the State, however, does not dispute about the grant of bail to co-accused persons but he, however, vehemently opposes the bail application of the petitioner on the ground that the petitioner being a hardened and notorious criminal, his release on bail would have adverse impact on the society. It is accordingly prayed to reject the bail application of the petitioner.

5. In view of the rival submissions advanced on behalf of the parties and taking into consideration the release of co-accused namely Miku @ Mrutyunjay Nayak, Sarat Behera and Ranjita Biswal on bail and the main allegation of firing at the informant who fortunately was not hit by any bullet, being directed against co-accused Miku @ Mrutyunjay Nayak who has already been granted on bail and the fact that the present petitioner has been remanded in

this case since 09.03.2018, this Court considers the bail application of the petitioner affirmatively.

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.50,000/- 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 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 not commit similar type of offence while on bail and that the petitioner shall also report his attendance before the IIC, Sadar Police Station, Cuttack on each 2nd Saturday of every month for six months after his release from jail on bail.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita