

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12576 of 2022

Bichitrananda Kundu

....

Petitioner

Mr. D.K. Sahoo, Advocate

-versus-

State of Orissa

....

Opp. Party

Mr. M. Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

22.12.2022

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 Petitioner for grant of bail in connection with Bari-Ramchandrapur P.S. Case No.302 of 2022 corresponding to C.T. Case No. 2152 of 2022 pending in the file of learned S.D.J.M., Jajpur for commission of offences punishable U/Ss. 460/396/412 of IPC, on the allegation of receiving the proceeds of dacoity.
3. In the course of hearing of the bail application, Mr. D.K. Sahoo, learned counsel for the Petitioner submits that although the Petitioner is alleged to have received the gold ornaments derived by co-accused persons while committing dacoity, but the Petitioner has no knowledge about the articles to be proceeds of dacoity, rather he has purchased the articles by paying certain amount. It is further submitted that the Petitioner has no criminal antecedent to his credit and he has already been detained in custody since 01.11.2022 and the allegation appearing against the Petitioner is with respect to 412 of IPC which is not punishable with death or imprisonment for life. Learned counsel for the Petitioner under aforesaid submission prays to grant bail to the Petitioner.
4. On the other hand, Mr. M. Mishra, learned A.S.C. strongly opposes the bail application of the Petitioner, but he, however, does not dispute about absence of any criminal antecedent against the Petitioner.

5. Considering the rival submissions made and taking into consideration the nature and gravity of accusations raised against the Petitioner and other surrounding circumstances including the pre-trial detention of the Petitioner and regard being had to the progress of investigation and keeping in view the nature of allegation raised against the Petitioner for receiving the robbed golden ornaments, this Court considers leniently to grant bail to the Petitioner.

6. Hence, the prayer for the bail of the Petitioner stand allowed and the Petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) 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 of posting without fail unless his attendance is dispensed with and that the Petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on Sunday in between 10A.M. to 12 Noon for three months from the date of his release from the custody. The I.I.C., of jurisdictional Police Station shall not detain the Petitioner unnecessarily after recording his 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. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge