

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11570 of 2021

Dharmeswar Nag @ Gudu

.... ***Petitioner***
Mr. U. Barik, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
19.12.2022

Order No.

- 05.
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 C.T. Case No.48 of 2018 (Sessions) arising out of Dharmagarh P.S. Case No.105 of 2018 pending in the file of learned Addl. Sessions Judge, Dharmagarh for commission of offences punishable under Section 395 of IPC, on the allegation of committing dacoity.
 3. In the course of hearing of the bail application, Mr. U. Barik, learned counsel for the petitioner by filing the copy of bail orders and certified copy of the T.I. parade report in Golamunda P.S. Case No.105 of 2018 submits that co-accused having identified in the T.I. parade and having more criminal antecedents than the petitioner has already been granted bail and the present petitioner being in custody

since 25.07.2018 may kindly be granted bail by taking into consideration that trial is yet to be concluded in this case.

4. On the contrary, Mr. P.K. Pattnaik, learned A.G.A. does not dispute about trial to have not been concluded and the petitioner's custody since 25.07.2018, but he, however, strongly opposes the bail application of the petitioner.

5. Considering the rival submissions made, taking into consideration the nature and gravity of the accusations raised against the petitioner and keeping in view the release of co-accused on bail and regard being had to the non conclusion of trial with pre trial detention of the petitioner since 25.07.2018, this Court admits the petitioner to bail.

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.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 he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and that the petitioner shall report attendance before the Jurisdictional Police Station once in a week preferably on Monday in between 12 Noon to 1 PM. for six months. 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 petitioner 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

Subhasmita

