

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11575 of 2021

Dharmeswar Nag @ Gudu

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

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, A.G.A.

**CORAM:
JUSTICE G. SATAPATHY**

ORDER
29.11.2022

Order No.

- 03.
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 Golamunda P.S. Case No.62 of 2018 corresponding to C.T. Case No.08 of 2019 of the Court of learned Additional Sessions Judge, Dharmagarh, for commission of offences punishable U/S. 395 of IPC r/w 28 of Arms Act, on the allegation of committing dacoity from the Informant.
 3. In the course of hearing of the bail application, Mr. U. Barik, learned counsel for the Petitioner submits that co-accused standing on similar footing have already been granted bail, but the Petitioner is languishing inside the jail custody since more than four years. It is accordingly prayed by him to grant bail to the Petitioner at least on the principle of parity.
 4. Mr. P.K. Pattnaik, learned counsel for the State, however, strongly opposes the bail application of the Petitioner and he submits inter-alia that the Petitioner is habitual offender and should not be be enlarged on bail.
 5. Considering the rival submissions made, the nature and gravity of accusations raised against the Petitioner so also other surrounding circumstances including grant of bail to co-accused Rahul @ Santosh

Katta & Khageswar Patra in BLAPL No. 7899 of 2018 and Laki Majhi in BLAPL No. 5736 of 2018 and regard being had to the pre-trial detention of the Petitioner for last four years and keeping in view that the trial is yet to be concluded, this Court grants bail to the Petitioner.

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/- (Rupees Fifty 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 week preferably on Sunday in between 10 A.M. to 12 Noon for six months from the date of 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 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