IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8839 of 2024

B. Mothi and others … ***Petitioners***

Mr. L. Mahapatra, Advocate

-versus-

State of Odisha … ***Opposite Party***

Mr. S.K. Rout, ASC

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
05.12.2024

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. This is a bail application U/S.483 of BNSS, 2023 by the Petitioners for grant of bail in connection with Mancheswar P.S. Case No. 357 of 2024 corresponding to C.T. Case No.1210 of 2024 pending in the file of learned JMFC-II, Bhubaneswar for commission of offences punishable U/Ss 324/305(c) of BNS, on the allegation of committing theft of one laptop by breaking open the vehicle (Bolero) of the Informant.

3. Heard, Mr. Laxmidhar Mahapatra, learned counsel for the Petitioners and Mr. S.K. Rout, learned ASC in the matter and perused the record.

4. After having considered the rival submissions and taking into account the nature and gravity of offence as alleged against the Petitioners vis-à-vis the accusations sought to be brought against them and regard being had to the pre trial detention of the

Petitioners in custody since 29.07.2024 with progress of investigation and keeping in view the well recognized principle of "bail is the rule, but jail is the exception" and taking into account the other circumstance on record in entirety, this Court without expressing any opinion on merits of the case admits the Petitioners to bail.

5. Hence, the bail application of the Petitioners stands allowed and they are allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) only with two solvent sureties 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 by it with following conditions:-

> *(i) the petitioners shall not commit any offence while on bail,*
>
> *(ii) the petitioners in the course of trial shall attend the trial Court on each date of posting without fail unless their attendance are dispensed with**. In case the Petitioners fail without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioners for offence U/S.229-A of IPC in accordance with law**,*
>
> *(iii) the petitioners shall not leave the territorial jurisdiction of the trial Court without prior permission till disposal of the case by intimating their present address of stay,*
>
> *(iv) the petitioners shall report attendance before the Jurisdictional Police Station once in a fortnight preferably on 2nd*

Sunday of each month in between 10 A.M. to 12 Noon for six (06) months from the actual date of release from the custody.

The I.I.C. of Jurisdictional Police Station shall not detain the petitioners unnecessarily after recording their 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. In the wake of aforesaid, the subsequent involvement of the petitioners in future for grave/similar offence on prima facie accusations may be treated as a ground for cancellation of bail in this case.

6. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge

Priyajit

Signature Not Verified
Digitally Signed
Signed by: PRIYAJIT SAHOO
Designation: Jr. Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 06-Dec-2024 18:36:44