IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11375 of 2024

Jangala Naik **.....** ***Petitioner***

Represented By Adv. -
Biraja Prasad Nanda

-versus-

State Of Odisha **.....** ***Opposite Party***

Represented By Adv. –
S.Jena, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
11.12.2024

Order No.

02. 1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.

3. The present bail application under Section 483 of B.N.S.S. has been filed by the Petitioner for regular bail in connection with G.R.Case No.1266 of 2024 arising out of Bikrampur FCI P.S.Case No.179 of 2024, pending in the Court of learned S.D.J.M., Talcher for alleged commission of offence punishable under Sections 303(2), 3(5) of BNS, 2023.

4. Learned counsel for the petitioner submitted that earlier the Petitioner had approached this Court along with two other co-accused persons by filing BLAPL No.9436 of 2024. He further submitted that vide order dated 27.09.2024, this Court while granting bail to two other co-accused persons namely, Sanjaya Naik and Anshuman Sahu. So far

the present Petitioner is concerned, the bail application was withdrawn by the learned counsel for the Petitioner with liberty to file a fresh bail application after filing of the charge sheet.

5. Learned counsel for the Petitioner at this juncture submitted that the Petitioner is in custody since 28.08.2024. He further contended that after conclusion of the investigation, the final charge sheet has been filed. He further contended that after filing of the charge sheet, the Petitioner moved a fresh bail application and the same has been rejected vide order dated 06.11.2024. Being aggrieved by such order, the Petitioner has approached this Court by filing the present bail application. Learned counsel for the Petitioner further submitted that the Petitioner stands in a similar footing with the co-accused persons, who have been released on bail. He further contended that the Petitioner is having two criminal antecedents, therefore, his bail application has been rejected by the court below. He further submitted that the Petitioner is ready and willing to abide any terms and conditions that would be imposed by this Court in the event the Petitioner is released on bail.

6. Learned Additional Standing Counsel appearing for the State-Opposite Party, on the other hand, opposed the prayer for release of the Petitioner on bail on the ground that in the event the Petitioner is released on bail, there is every likelihood that he might indulge in similar criminal offences and there is every possibility that the Petitioner might abscond from justice.

7. Having heard learned counsels for the respective parties, on careful examination of the materials on record, further taking note of the fact that the investigation has been filed and charge sheet has been filed, further keeping in view the period of custodial detention, this Court is inclined to release the Petitioner on bail.

8. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

9. It is further directed that the bail granted to the petitioner is subject to verification of criminal antecedent. In the event, the Petitioner is having more than two criminal antecedents, then this order stands automatically revoked.

10. It is further directed that the bail granted to the Petitioner subject to depositing a cash security of Rs.4,000/- (Rupees four thousand) before the learned Court in seisin over the matter, which shall be kept in any Nationalized bank in interest bearing account initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall be abide by the final outcome of the trial of the case.

11. The BLAPL is accordingly disposed of.

12. Issue urgent certified copy as per Rules.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 12-Dec-2024 14:45:15