IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL Nos. 10980,11488,11489,11491,11493,11592,

11003,11006 & 11149 of 2024

In BLAPL No.10980 of 2024

Bikash Harijan & Anand Harijan ..... ***Petitioner(s)***

Represented By
Mr. Basudev Mishra, Adv.

-versus-

State of Odisha ..... ***Opposite Party(s)***

Represented By
Mr. P. Satapathy, ASC

In BLAPL No. 11488 of 2024

Mohan Sagar ..... ***Petitioner(s)***

Represented By
Mr. L. Samantaray,
Advocate

-versus-

State of Odisha ..... ***Opposite Party(s)***

Represented By
Mr. P. Satapathy, ASC

In BLAPL No.11489 of 2024

Susanta @ Sasanta Kandapan ..... ***Petitioner(s)***

Represented By
Mr. L. Samantaray,
Advocate

-versus-

State of Odisha ..... ***Opposite Party(s)***

Represented By
Mr. P. Satapathy, ASC

In BLAPL No. 11491 of 2024

Akbar Garada ..... ***Petitioner(s)***

Represented By
Mr. L. Samantaray,
Advocate

-versus-

State of Odisha ..... ***Opposite Party(s)***

Represented By
Mr. P. Satapathy, ASC

In BLAPL No. 11493 of 2024

Sanjaya Benia ..... ***Petitioner(s)***

Represented By
Mr. L. Samantaray,
Advocate

-versus-

State of Odisha ..... ***Opposite Party(s)***

Represented By
Mr. P. Satapathy, ASC

In BLAPL No. 11592 of 2024

Birendra Takri ..... ***Petitioner(s)***

Represented By
Mr. A. Mishra, Advocate

-versus-

State of Odisha ..... ***Opposite Party(s)***

Represented By
Mr. P. Satapathy, ASC

In BLAPL No. 11003 of 2024

Biranchi Mahanandia ..... ***Petitioner(s)***

Represented By
Mr. S.K. Routray,
Advocate

-versus-

State of Odisha ..... ***Opposite Party(s)***

Represented By
Mr. T.K. Acharya, ASC

In BLAPL No. 11006 of 2024

Johan Jatin Suna ..... ***Petitioner(s)***

Represented By
Mr. S.K. Routray,
Advocate

-versus-

State of Odisha ..... ***Opposite Party(s)***

Represented By
Mr. T.K. Acharya, ASC

In BLAPL No. 11149 of 2024

Siba Sankar Harijan & Bikash Harijan ..... ***Petitioner(s)***

Represented By
Mr. S.K. Dash, Advocate

-versus-

State of Odisha ..... ***Opposite Party(s)***

Represented By
Mr.T.K. Acharya, ASC

CORAM:

THE HON'BLE MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER

Order No. **17.12.2024**

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

2. Since, all these nine bail applications under Section 439 of the Cr.P.C., 1973 have arisen out of one case i.e. Nabarangpur P.S. Case No.216 of 2024, then, all these nine bail applications have been taken up together for their final disposal analogously through this common order.

3. I have already heard from the learned counsels for the petitioners one after another separately and also heard from the learned ASCs for the State separately one after another.

4. The petitioners are in jail custody since 31.05.2024 and 01.06.2024 respectively having been implicated under Sections 395 and 457 of the IPC, 1860 read with Sections 25 and 27 of the Arms Act on the allegation of commission of dacoity of gold and silver ornaments and money from the house of the informant on dated 14.05.2024 night using arms.

After commission of dacoity, the informant lodged FIR.

5. Basing upon such FIR, a case vide Nabarangpur P.S. Case No.216 of 2024 was registered against the unknown culprits and investigation was started.

6. During investigation, the petitioners were arrested and forwarded to the Court on dated 31.05.2024 and 01.06.2024 respectively after being booked with the aforesaid offences and since

then, they (petitioners) are in custody.

7. The learned counsel for the petitioners submitted for liberal consideration of their bail contending that, during the staying of the petitioners inside the jail, the investigation of the case has already been completed and the chance of absconding of the petitioners during trial is very less, to which, the learned ASCs for the State vehemently objected contending that, as the petitioners have committed dacoity from the house of the informant in the dead of the night by terrorizing the family members of the informant on the point of pistol, for which, in these nature of allegations, they (petitioners) should not be allowed to go on bail.

8. When the FIR was lodged by the informant about the commission of dacoity by the unknown culprits and when the papers of investigation including the submission of charge sheet submitted by the investigating officer does not reveal about the conduct of any T.I. Parade of suspects even after the arrest of the petitioners and when the petitioners are in jail custody since 31.05.2024 and 01.06.2024 respectively for about more than 5 months and when during the staying of the petitioners inside the jail, investigation of the case has already been completed and when the presence of the petitioners during trial is not unsecured as their houses are in the district of Nabarangpur District and its nearby district i.e. Koraput and when the main object of bail is to secure the attendance of the accused during trial and when one co-accused of the petitioners i.e. Goura Suna has already been allowed to go on bail, then, at this juncture, by taking the above factors into account, instead of rejecting the prayer for bail of the petitioners, it is felt proper, to allow them (petitioners) to go on bail with stringent conditions in order to secure their attendance during

trial and not to allow them (petitioners) to be involved with similar nature of crime again.

9. Hence, all the nine bail applications filed by the petitioners are allowed.

10. They (petitioners) are allowed to go on bail on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the case with conditions that :-

> *(i) They (petitioners) shall not involve with similar nature of crime in future.*
>
> *(ii) They (petitioners) shall appear before the court personally on each date of adjournment of the case till its conclusion.*
>
> *(iii) They (petitioners) shall not terrorize, coerce, influence or threat to any witnesses of the prosecution or the informant and his family members either directly or indirectly in any manner whatsoever at any stage of the trial of the case till its conclusion,*
>
> *but, in case of their failure to comply any one of the aforesaid conditions, the learned trial court is authorized to cancel their respective bail orders outrightly without seeking any permission for the same from this Court.*

11. Accordingly, all the nine bail applications filed by the petitioners are disposed of finally.

12. It is made clear here that, the observations made in these bail orders can never be used by the Trial Court either in favour of the prosecution or in favour of the defence during trial, because, the observations made in these bail orders are only for the purpose of bail.

13. Grant certified copy of this order to the petitioners on their proper applications.

(A.C. Behera)
Judge

Signature Not Verified
Digitally Signed
Signed by: RATI RANJAN NAYAK
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack, India
Date: 18-Dec-2024 11:05:47
Rati Ranjan