IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12041 of 2024

Firoj Nag ..... ***Petitioner(s)***

Represented By
Mr.A.Mishra,Advocate

-versus-

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

Represented By
Ms.B.S.Sahu,A.G.A.

CORAM:

THE HON'BLE MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER

Order No. **06.12.2024**

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

2. This bail application under Section 483 of B.N.S.S., 2023 of the petitioner has arisen out of G.R. Case No.98/2024 in connection with Semiliguda P.S.Case. No. 90/2024, pending in the Court of the Learned Nyayadhikari Gram Nyayalaya, Semiliguda, Dist- Koraput.

3. I have already heard from the learned counsel for the petitioner and the learned additional Government Advocate for the state.

4. The petitioner is in jail custody since 17.07.2024 having been implicated under Sections 109(l)/126(l)/132/296/351(2)/3(5) of BNS,2023 on the allegation alleged against him that, on dated 16/17.07.2024 night, when, the Police team of Borigumma P.S. being assisted by the staffs of Semiliguda P.S. had moved to the house of one Sanjay Khara for his apprehension, at that time, the petitioner along with his two co-accuseds abused the Police party members in obscene languages and when, the Police party members tried to apprehend them, then, the petitioner along with his co-accuseds push the police

team members and threated to kill them by means of sword, but, the Police team members had managed to get escape from the assault of the petitioner and his co-accuseds, then, the police team members apprehended two persons i.e. the petitioner and his one co-accused i.e. Santosh Benia and arrested them and so also forwarded them to the Court after booking them with the aforesaid offences and accordingly, since then, he (petitioner) is in jail custody.

5. The learned counsel for the petitioner submitted for liberal consideration of his bail contending that, there was no injury on the police personnels, but, only there was push and pull and he (petitioner) is in jail custody for about more than four months, to which, the Additional Government Advocate for the state vehemently objected contending that, the petitioner had dared to assault the police personnels, for which, he (petitioner) should not be allowed to go on bail.

6. When, the petitioner is in jail custody for about more than four months and when, there is no injury on the person of any of the victims of the alleged incident and when, the substantial parts of investigation of this case might have been completed as in the meantime, then at this juncture, by taking the above factors into account, it is felt proper to allow the petitioner to go on bail.

7. Therefore, the bail application filed by the petitioner is allowed.

8. He (petitioner) is allowed to go on bail 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 matter with conditions that:-

(i) he (petitioner) shall not involve with similar nature of crime in future.

(ii) he (petitioner) shall appear before the Trial Court personally on each date of adjournment of the case without fail till its conclusion.

(iii) he (petitioner) shall not terrorize, influence, coerce or threat any witnesses of the prosecution including informant and his family members either directly or indirectly in any manner whatsoever at any stage of the proceeding of case, but, in case of his failure to comply any of the aforesaid conditions, the learned trial court is authorized to cancel his bail order outrightly without seeking any permission for the same from this Court.

9. Accordingly, the bail application of the petitioner is disposed of finally.

10. Grant certified copy of this order to the petitioner on proper application.

(A.C. Behera)
Judge

Binayak

Signature Not Verified
Digitally Signed
Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 06-Dec-2024 17:50:55