IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12388 of 2024

1) Bibekananda Sahoo @ Raja **.....** ***Petitioners***
2) Sandipta Mati @ Kalia
3) Subhendra Parida @ Lipu

Represented By Adv. -
Satya Ranjan Mulia

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented By Adv. –

Mr. G. Mohanty, SC

CORAM:
THE HON'BLE MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER
12.12.2024

Order No.

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

2. This bail application under Section 439 of the Cr.P.C arising out of G.R. Case No.1596 of 2024 in connection with Dhenkanal Sadar P.S Case No.872 of 2024 pending in the Court of learned S.D.J.M, Dhenkanal is taken up for consideration.

3. I have already heard from the learned Counsel for the petitioners and the learned SC for the State.

4. The petitioners have been implicated under Sections 310(4) and 310(5) of the BNS, 2023 read with Section 25 (1-B) of the Arms Act on the allegation of making preparation to commit dacoity and assembling for such purpose.

The petitioners are in jail custody since 08.11.2024.

5. The learned counsel for the petitioners submitted for liberal consideration of their bail contending that, during the staying of the petitioners inside the jail, substantial parts of the investigation of the case has already been completed and the chance of absconding of the petitioners after their release on bail are very less and the 3 co-accused persons of the petitioners have already been allowed to go on bail vide Order dated 30.11.2024 passed by the learned A.D.J.-CUM-Special Judge (Vigilance), Dhenkanal in BLAPL No.524 of 2024, to which, the learned SC for the State objected contending that, the petitioners are involved with the offences for making preparation to commit dacoity and assembling for such purpose and the investigation of the case is going on, for which, they (petitioners) should not be allowed to go on bail.

6. When the petitioners are in jail custody since 08.11.2024 and when during the staying of the petitioners inside the jail, substantial parts of the investigation of the case has already been completed and when the 3 co-accused persons of the petitioners have already been allowed to go on bail, then, at this juncture, by applying the principles of law enunciated by the Apex Court in the case between ***Chaturi Yadav Vs. State of Bihar*****,** I find no justification to disallow the prayer for bail of the petitioners.

7. Hence, the bail application filed by the petitioners is allowed.

8. 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 matter with conditions that:-

(i) they (petitioners) shall not involve with - similar nature of crime in future;

(ii) they (petitioners) shall appear before the Trial Court personally on each date of adjournment of the case till its conclusion;

(iii) they (petitioners) shall not terrorize, coerce, influence or threat to the informant and his/her family members and the witnesses either directly or indirectly in any manner whatsoever at any stage of the trial of the case, but, in case of their failure to comply any of the aforesaid conditions, the learned trial court is authorized to cancel their respective bail orders out-rightly without seeking any permission from this Court for the same;

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

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

(ANANDA CHANDRA BEHERA)
Judge

Rati Ranjan

Signature Not Verified
Digitally Signed
Signed by: RATI RANJAN NAYAK
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack, India.
Date: 12-Dec-2024 19:17:43