

(2024) 04 OHC CK 0036

In the Orissa High Court

Case No : Bail Application No. 2057 Of 2024

Babul @ soumya Ranjan Swain

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 04-04-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 294, 307, 323, 325, 341

Citation : (2024) 04 OHC CK 0036

Hon'ble Judges : A.K. Mohapatra, J

Bench : Single Bench

Advocate : Sushanta Harichandan, P.C. Das

Final Decision : Disposed Of

Judgement

A.K. Mohapatra, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical 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 439 of Cr.P.C. has been filed by the Petitioner for regular bail in connection with G.R. Case No. 116 of 2024, arising out of Kujang P.S Case No. 41 of 2024, pending in the Court of learned J.M.F.C. (P), Kujang for alleged commission of offence punishable under Sections 341/294/323/325/307 & 34 of I.P.C.
4. Learned counsel for the Petitioner submits that earlier this matter was not before any other Bench of this Court. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 27.01.2024. Learned counsel for the Petitioner submitted that the investigation has progressed substantially and the charge-sheet is likely to be filed soon. It was also submitted

that no specific allegation of any overt act has been made against the Petitioner, instead an omnibus allegation of assault has been made in the present case. It was further submitted that some of the co-accused has been released. Further, learned counsel for the Petitioner submitted that the injured has been discharged in the meantime and it is hale and hearty. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on such terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

5. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioner on the ground that the Petitioner is released on bail there is a possibility he might indulge in similar criminal offences. It was also submitted that the injury is grievous in nature. . Further, learned Additional Standing Counsel expressed his apprehension that in the event the Petitioner is released there is a likelihood that he might abscond, and as a result the conclusion of trial may be delayed. Accordingly, it was prayed that the bail application of the Petitioner be rejected at this juncture.

6. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, and the fact that the injured has been discharged, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter. Release of the Petitioner shall also be subject to following conditions that:-

I) he shall not indulge in similar nature of offence while on bail; and

III) shall appear before the Court on each and every date fixed without fail.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. It is further directed that the bail granted to the Petitioner is subject to the condition that the court below shall verify whether the Petitioner is having criminal antecedent of similar nature. In the event it is found the Petitioner has more than one criminal antecedent the bail application shall cancel automatically.

8. The BLAPL is, accordingly, disposed of..

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