

(2024) 03 OHC CK 0066

In the Orissa High Court

Case No : Bail Application No. 1238 Of 2024

Biju @ Jyoti Prakash Acharya

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 11-03-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 394

Citation : (2024) 03 OHC CK 0066

Hon'ble Judges : S.S. Mishra, J

Bench : Single Bench

Advocate : Satyajit Mohapatra, B.K. Ragada

Final Decision : Disposed Of

Judgement

S.S. Mishra, J

1. This is an application under Section-439 Cr.P.C.
2. The petitioner is an accused in connection with Baripada Town P.S. Case No.753 of 2023 corresponding to C.T. Case No.1342 of 2023 for the offence under Sections-394/34 IPC pending in the Court of the learned S.D.J.M., Baripada.
3. The allegation against the petitioner is that on 30.11.2023 in the early morning while the informant was coming from Ambika temple towards Nepali Market, on the way, two unknown persons came in a motor cycle and by dashing the bike at him snatched away his MI Loi Mobile Phone.
4. Mr. Ragada, learned Addl. Government Advocate has informed that 12 mobile phones have been recovered from the petitioner. So he is a habitual offender. However, only one case has been registered against him yet.
5. The petitioner had approached the learned Addl. District & Sessions Judge-cum-Special Judge (Vigilance), I/C, Baripada praying for grant of bail. The

learned Court below vide its order dated 26.12.2023 has rejected the bail application of the petitioner. Being aggrieved, the petitioner has filed the present petition under Section 439 Cr.P.C. praying for enlargement on bail.

6. Learned counsel for the petitioner submits that the plea of bail of the petitioner is not pending before any other Court except the present one.

7. Taking into consideration the period of custody from 06.12.2023 and the nature of accusation, I am inclined to admit the petitioner on bail.

Hence, the petitioner be released on bail by the learned Court in seisin over the matter in the aforesaid case on such terms and conditions as it would deem just and proper subject to the further condition that he shall cooperate with the investigation and shall not tamper with the evidence in any manner whatsoever subject to further condition that the petitioner shall report before the I.I.C., Baripada Town Police Station being physically present on each Sunday for three months.

Non-cooperation in the investigation and/or violation of the bail conditions shall entail consideration for cancellation of the bail granted to the petitioner.

8. The BLAPL is accordingly disposed of.

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