
(2023) 08 OHC CK 0105
In the Orissa High Court
Case No : Bail Application No. 3836 Of 2023

Chandu @ Chandramani Naik

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 16-08-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 174A, 229A, 394, 457
Arms Act, 1959 — Section 25, 27

Citation : (2023) 08 OHC CK 0105

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : A. Hota, S.R. Sahoo

Final Decision : Disposed Of

Judgement

G. Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is a bail application U/S.439 of Cr.P.C. by the petitioner for grant of bail in connection with Talcher P.S. Case No.757 of 2022 arising out of G.R. Case No.2401 of 2022 pending in the file of learned S.D.J.M., Talcher, for commission of offence punishable under Sections 457/394 of IPC read with Section 25/27 of Arms Act, on the allegation of committing robbery of cash of Rs.96,455/- by entering into the office of informant.
3. Heard, Ms. A. Hota, learned counsel for the petitioner and Mrs. S.R. Sahoo, learned ASC in the present matter and perused the record.
4. After having considered the rival submissions made and taking into consideration the nature and gravity of accusations raised against the petitioner and keeping in view the lodging of FIR against unknown persons, but no TI parade being conducted to identify the suspect and regard being had to the only incriminating circumstance against the petitioner for giving recovery of

Rs.6,000/- and one sword pursuant to a disclosure statement and taking into account the other circumstance on record in entirety, this Court finding no prima facie case for detaining the petitioner in custody admits him to bail notwithstanding to the list of criminal antecedents produced against him.

5. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) only with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following conditions:-

- (i) the petitioner shall not commit any offence while on bail,
- (ii) the petitioner shall appear before the Court in seisin of the case on each and every date of posting without fail unless his attendance is dispensed with. In case the Petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.229-A of IPC in accordance with law,
- (iii) the petitioner shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case,
- (iv) the petitioner shall report attendance before the Jurisdictional Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 12 Noon for six(06) months from the actual date of release from the custody and
- (v) in case the petitioner misuses the liberty of bail and in order to secure his presence, proclamation U/S.82 of Cr.P.C. is issued and the petitioner fails to appear before the Court on the date fixed in such proclamation, then, the learned trial Court is at liberty to initiate proceeding against him for offence U/ S.174-A of the IPC in accordance with law.

The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioner in future for grave and serious offences on prima facie accusations may be treated as a ground for cancellation of bail in this case.

6. Accordingly, the BLAPL stands disposed of.

7. Issue urgent certified copy of the order as per Rules.

.....