

(2023) 07 OHC CK 0141
In the Orissa High Court
Case No : Bail Application No. 3871 Of 2023

Dibya Jagadala

APPELLANT

Vs

State Of Orissa

RESPONDENT

Date of Decision : 19-07-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 273, 274, 275

Citation : (2023) 07 OHC CK 0141

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : D.R. Mishra, S.R. Roul

Final Decision : Disposed Of

Judgement

G. Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S.439 of Cr.P.C. by the petitioner for grant of bail in connection with Special G.R. Case No.103 of 2023 arising out of Ulunda P.S. Case No.36 of 2023 pending in the file of learned SDJM, Birmaharajpur for commission of offences punishable under Sections 273/274/275 and 34 of IPC, on the allegation of possessing 14 bottles of Eskuf Cough Syrup, 5 nos. of Alprazolam Tablet and one plastic water bottle of one liter capacity containing some orange color liquid substance measuring ½ liter.
3. In the course of hearing of bail application, Mr. D.R. Mishra, learned counsel for the petitioner submits that the petitioner has been detained in custody since 13.03.2023 and in the meanwhile, after completion of investigation, charge-sheet has been submitted in this case. It is further submitted that although 4 nos. of criminal antecedents has been shown against the Petitioner, but the Petitioner is on bail and the Petitioner has been implicated in this case on false and concocted materials. On these grounds, learned counsel prays to grant him

bail.

4. On the other hand, Mr. S.R. Roul, learned ASC, by drawing attention of the Court to the criminal antecedents of the Petitioner submits that the Petitioner is a habitual offender and he having committed similar type of offences earlier, may not be granted bail.

5. 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 manner and circumstance of implication of the present petitioner in this case and taking into account the pre-trial detention of the petitioner since 13.03.2023 with submission of charge-sheet and further considering the principle that bail is the rule, but jail is the exception, this Court admits the petitioner to bail.

6. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) 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 attend the trial Court on each date of posting without fail unless their attendance are dispensed with.

(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 week preferably on Sunday in between 10 A.M. to 12 Noon for six(06) months from the actual date of release from the custody.

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 petitioners 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 for similar type of offence in future on prima facie accusations may be treated as a ground for cancellation of bail.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

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