

(2021) 06 OHC CK 0111

In the Orissa High Court

Case No : Bail Application No. 1878 Of 2021

Gyana Ranjan Jena @ Ranjan

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 29-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 365, 388, 395

Citation : (2021) 06 OHC CK 0111

Hon'ble Judges : S. K. Sahoo, J

Bench : Single Bench

Advocate : Taraprasad Mohapatra, P.C. Das

Final Decision : Disposed Of

Judgement

S. K. Sahoo, J

This matter is taken up by video conferencing mode.

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with G.R. Case No.1125 of 2020 arising out of Khallikote P.S. Case No.526 of 2020

pending in the Court of learned J.M.F.C., Khallikote for offences punishable under sections 365/395/388/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Khallikote which was rejected on 11.02.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 27.01.2021 and in the meantime, charge sheet has already

been submitted and the first information report was lodged against one Babu and others but the petitioner was arrested and there was seizure of cash

of Rs.5,000/-(rupees five thousand) from his possession but no test identification parade has been conducted in order to establish the complicity of the petitioner in the alleged crime and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State after verification of the case diary fairly submitted that no test identification parade has been conducted in the case and further submitted that the case diary does not reveal any criminal antecedents against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, absence of holding of any test identification parade and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's

Notice No. 4587 dated 25th March 2020 as modified by Court's Notice No. 4798 dated 15th April 2021.