
(2023) 06 OHC CK 0039
In the Orissa High Court
Case No : Bail Application No. 5687 Of 2023

Jibardhan Seth And Another

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 01-06-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 35, 201, 285, 304

Citation : (2023) 06 OHC CK 0039

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : R.N. Prusty, S.K. Mishra

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 Petitioners for grant of bail in connection with Rengali P.S. Case No. 232 of 2022 corresponding to C.T. Case No. 3272 of 2022 pending in the Court of learned SDJM, Jharsuguda for commission of offence punishable U/Ss. 285/304/201/35 of the IPC, on the allegation of setting up a trap to hunt wild boar in which the deceased came in contact accidentally and died.
3. Heard Mr. R.N. Prusty, learned counsel for the Petitioners as well as Mr. S.K. Mishra, learned ASC in the matter of the present bail application.
4. After having considered the rival submissions made and taking into consideration the nature and gravity of accusations raised against the Petitioners and keeping in view the the manner and circumstance of implication of the present Petitioners and taking into account the pre-trial detention of the Petitioners since 22.12.2022 and regard being had to the submission of charge-

sheet in this case and taking into account the other circumstances on record in entirety, this Court admits the Petitioners to bail.

5. Hence, the bail application of the Petitioners stands allowed and the Petitioners are allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Thousand) each with two solvent sureties 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 Petitioners shall not commit any offence while on bail

(ii) the Petitioners shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with

(iii) the Petitioners shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case

It is clarified that the Court in seisin of the case is 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 Petitioners 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.

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