
(2021) 11 OHC CK 0073
In the Orissa High Court
Case No : Bail Application No. 5067 Of 2021

JitunTarai

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 11-11-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 164, 439
Indian Penal Code, 1860 — Section 34, 380, 457

Citation : (2021) 11 OHC CK 0073

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

Bench : Single Bench

Advocate : Biswaranjan Dalai, L. Samantaray

Final Decision : Disposed Of

Judgement

S.K. Panigrahi, J

1. This matter is taken up by hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with G.R. Case No. 204 of 2021 arising out of Marine P.S. Case No. 19 of 2021 pending in the court of learned S.D.J.M., Kendrapara for commission of offence under Sections 457/380/34 of the Indian Penal Code has filed this bail application under Section 439 Cr.P.C for his release on bail.
4. The prosecution allegation, in brief, is that in the night of 22/23.01.2021 some unknown persons including the petitioner committed theft of gold and silver ornaments from the temple of Deity Ramachandi at Ramnagar by breaking open its main grill gate and main door.
5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Though the petitioner has three criminal antecedents of similar offence, in all those cases he has already been released on bail as

revealed from the rejection order. Moreover, the offences as alleged, are triable by the Magistrate. The charge sheet has already been submitted. The petitioner is in custody since 24.01.2021.

6. Learned counsel for the State opposed the bail application with the submission that the petitioner is a habitual offender. Hence, he should not be released on bail.

7. Considering the submissions made, facts and circumstances of the case as well as the period of detention of the petitioner, it is directed that the petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the learned court in seisin over the matter with further conditions that:-

i. the petitioner shall appear before the learned trial court on each date of posting of the case;

ii. he shall not indulge in any criminal offence while on bail and

iii he shall not tamper the evidence of the prosecution witnesses in any manner.

8. Violation of any of the conditions shall entail cancellation of the bail.

9. The BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per Rules..

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