

(2023) 07 OHC CK 0251

In the Orissa High Court

Case No : Bail Application No. 4571 Of 2023

Judhisti Shetty @ Judhistir Sethy

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 28-07-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 294, 307, 323, 336, 337, 353, 506

Citation : (2023) 07 OHC CK 0251

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : J. Sahoo, S.S. Pradhan

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 Golanthara P.S. Case No.143 of 2023 arising out of G.R. Case No.454 of 2023 pending in the file of learned J.M.F.C.(R)(Cog.), Berhampur for commission of offence punishable under Sections 294/ 323/ 353/ 506/ 307 of IPC, but subsequently charge-sheeted for commission of offence punishable under Sections 294/323/353/506/307/336/337 of IPC, on the main allegation of attempting to the life of the informant-police personnel engaged to apprehend him.
3. Heard Mr. J. Sahoo, learned counsel for the petitioner and Mr. S.S. Pradhan, learned AGA in the 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 mode and manner of implication of the present

petitioner in this case and regard being had to the pre trial detention of the petitioner since 08.03.2023 and taking into account the submission of charge-sheet in this case and last but not the least, the facts of no injury to the injured person as stated in the charge-sheet, this Court admits the petitioner to bail.

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.50,000/- (Rupees Fifty Thousand) 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 attend the trial Court on each date of posting without fail unless his attendance is dispensed with,
- (iii) the petitioner shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and
- (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.

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.

.....