

(2024) 06 OHC CK 0029
In the Orissa High Court
Case No : Bail Application No. 6022 Of 2024

K. Kameswar Reddy @ Dandapani

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 20-06-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 399, 402
Arms Act, 1959 — Section 25(1)(a)

Citation : (2024) 06 OHC CK 0029

Hon'ble Judges : A.K. Mohapatra, J

Bench : Single Bench

Advocate : Jyotirmaya Sahoo, D. Biswal,

Final Decision : Disposed Of

Judgement

A.K. Mohapatra, J

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.
3. The present bail application under Section 439 of Cr.P.C. has been filed by the Petitioner for regular bail relating to Rambha P.S. Case No.327 of 2024, corresponding to G.R. Case No.1036 of 2024, pending before the learned J.M.F.C., Khallikote for alleged commission of offence punishable under Sections 399/402 of IPC read with Section 25(1)(a) of Arms Act..
4. Learned counsel for the Petitioner submits that earlier this matter was not before any other Bench of this Court. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 23.05.2024. Further it was contended that the investigation has progressed substantially and the final charge-sheet is likely to be filed soon. Learned counsel for the Petitioner further

contended that the Petitioner has been falsely implicated in the present case. He also submitted that the Petitioner is having eight criminal antecedents, however, he is ready and willing to abide by any terms and conditions while on bail. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and condition which the Petitioner undertakes to abide by while on bail.

5. Learned counsel for the State on the other hand contended that the allegations made in the FIR are serious in nature. It was further contended that the Petitioner has several criminal antecedents and the investigation is still on, therefore, in the event he is released on bail he might abscond justice which might lead to delay in conclusion of trial. Learned counsel for the State opposed the release of the Petitioner in view of the nature and seriousness of allegation made against the Petitioner. Therefore, he submitted that the prayer for bail of the Petitioner be rejected at this juncture.

6. Considering the submission made by learned counsels appearing for the respective parties on careful examination of materials on record as well as surrounding facts and circumstances, further taking note of the seriousness and gravity of the allegation, and the period of custodial detention, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter. Release of the Petitioner shall also be subject to following conditions:-

- i) shall not indulge in criminal offences while on bail;
- ii) shall cooperate with the investigation and appear before the I.O. as and when his presence is required and shall cooperate with the early conclusion of the investigation;
- iii) shall appear before the Trial Court on each and every date fixed without fail; and
- iv) shall appear before the concerned local Police Station once in a fortnight for three months, thereafter, once in a month till conclusion of the trial preferably on 'Sunday' in between 10.00 A.M to 1.00 PM.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. The BLAPL is, accordingly, disposed of.

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