

(2024) 05 OHC CK 0283

In the Orissa High Court

Case No : Bail Application No. 5034 Of 2024

Kanha@jeeban Mahalik Baitha

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 23-05-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 294, 307, 323, 341, 395, 408

Citation : (2024) 05 OHC CK 0283

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

Bench : Single Bench

Advocate : Khusbu Panigrahi, A.N.Das

Final Decision : Disposed Of

Judgement

A.K. Mohapatra, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Additional Government Advocate for the State. Perused the materials placed before this Court.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioners for bail in connection with Remuna P.S.Case No.62 of 2024 corresponding to C.T. Case No.260 of 2024 pending in the Court of the learned J.M.F.C.(R), Balasore for alleged commission of offence under Sections 341, 323, 294, 307,395/34 408 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioners are in custody since 23.04.2024. It is also contended by the learned counsel for the Petitioners that in the meantime the investigation has been progressed substantially and Charge Sheet is likely to be filed very soon. Referring to the F.I.R. allegation, learned counsel for the Petitioners submitted that the Petitioner

has been falsely implicated in the present case. He further contended that the Petitioners do not have any criminal antecedent. It is also contended that since the Petitioners belong to the locality, there is no chance of his absconding. On such ground, learned counsel for the Petitioners prays for release of the Petitioners on bail on any terms and conditions.

5. Learned Additional Government Advocate on the other hand objected to the release of the Petitioners on bail on the ground that the allegations made in the F.I.R. are serious in nature. He further contended that in the event the Petitioners are released on bail, there is every chance that they may indulge in similar nature of criminal activities. On such ground learned Additional Government Advocate submitted that the bail application of the Petitioners deserve no consideration.

6. Having heard learned counsels for the respective parties as well as on careful examination of the materials on record and considering the seriousness of the allegations in the F.I.R. as well as the period of custodial detention, this Court is inclined to grant bail to the Petitioners and it is directed that let each of the Petitioners be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. Release of the Petitioners shall be subject to such terms and conditions as would be fixed by the learned court in seisin over the matter. Violation of condition shall entail cancellation of bail.

7. In addition to the above, the Petitioners shall furnish a cash security of Rs.5,000/- (Rupees Five thousand) before the Court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank and renewed from time to time till disposal of the case. The said deposit shall be subject to the outcome of the trial.

8. Further, the release of the Petitioners shall also be subject to the verification of similar nature of criminal antecedent of the Petitioners by the learned Court below. In the event, it is found that the Petitioner has any criminal antecedent of similar nature then the bail order shall not be given effect to.

9. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

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