

(2024) 04 OHC CK 0013

In the Orissa High Court

Case No : Bail Application No. 563 Of 2024

Karma Suna @ Jadu Bhuyan

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 03-04-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 167(2), 439

Indian Penal Code, 1860 — Section 34, 229A, 294, 323, 341, 385, 394, 506, 509

Citation : (2024) 04 OHC CK 0013

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : Sk. Zafarulla, B.K.Ragada

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 Jharsuguda GRPS Case No.107 of 2022 corresponding to C.T. Case No.3356 of 2022 pending in the file of learned SDJM, Jharsuguda, being charge-sheeted for commission of offences punishable U/ Ss.323/506/385/341/394 of IPC, on the allegation that the petitioner and others being armed with deadly weapons and by forming an unlawful assembly, came to the shop of the informant and ransacked his shop and assaulted him by damaging the glass and furniture of the shop as well as looted sale proceeds amounting to Rs.50,000/- to Rs.55,000/- and also snatched away his mobile.
3. Mr.Zafarulla, learned counsel for the petitioner by filing a memo and copies of order passed by learned SDJM, Jharsuguda submits that the principal co-accused Rahul Mali and Biru Sendria @ Behera have been released on default bail, but the petitioner is languishing inside jail custody since 23.12.2023, although his name does not figure out in the FIR and the petitioner except having one criminal case

in Jharsuguda Sadar P.S. Case No. 391 of 2023 which is for commission of offences U/Ss. 294/506/509/34 of IPC, no other criminal antecedent is reported against him and charge sheet having already been submitted in this case, the present petitioner may kindly be granted bail.

4. On the other hand, Mr.B.K.Ragada, learned AGA, however, strongly opposes the bail application of the petitioner by taking this Court through the allegation made against the petitioner and he accordingly prays to reject the bail application of the petitioner.

5. After having considered the rival submissions upon perusal of record and the copies of order produced by the petitioner in Court today, it appears that co-accused Rahul Mali and Biru Sendria @ Behera against whom the main allegation is directed have been granted default bail U/S. 167(2) of Cr.P.C., but the petitioner is languishing in jail custody since 23.12.2023 and in the meanwhile, charge sheet has already submitted in this case. Further as per the submission of the learned counsel for the petitioner, the petitioner is only having one criminal case for commission of offences U/Ss. 294/506/509/34 of IPC.

6. Keeping in view the nature of allegation leveled against the petitioner and taking into account release of co-accused on default bail, this Court, however, without expressing any opinion on the merits of the case grants bail to the petitioner.

7. 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) 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 in the course of trial shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with. In case the Petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.229-A of IPC in accordance with law and
- (iii) the petitioner shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case by giving his present address of stay.
- (iv) the petitioner shall report attendance before the Jurisdictional Police Station once in a fortnight preferably on 2nd Sunday of each month in between 10 A.M. to 12 Noon for three (03) 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/similar type of offences on prima facie accusations may be treated as a ground for cancellation of bail in this case.

8. Accordingly, the BLAPL stands disposed of. Since learned counsel for the petitioner submits that the benefit of the order may not be extended to the petitioner, if he is found to have any other criminal antecedent except the criminal antecedent as aforesaid, hence, it is observed that if the petitioner is found to have any other criminal antecedent except the criminal antecedent as aforesaid, the benefit of this order shall not be extended to the petitioner without the leave of this Court.

9. Issue urgent certified copy of the order as per Rules.

.....