

(2024) 03 OHC CK 0038
In the Orissa High Court
Case No : Bail Application No. 471 Of 2024

Madhaba Rana

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 06-03-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 376, 506

Citation : (2024) 03 OHC CK 0038

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

Bench : Single Bench

Advocate : M.K. Mohapatro, P.B. Tripathy

Final Decision : Disposed Of

Judgement

S.K. Sahoo, J

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 Cr.P.C. in connection with Thakurgarh P.S. Case No.02 of 2016 corresponding to C.T.(S) Case No.95 of 2016 pending in the file of learned Addl. Sessions Judge, Athmallik for alleged commission of offences punishable under sections 376/506 of the Indian Penal Code.

The prayer for bail of the petitioner has been rejected by the learned Addl. Sessions Judge, Athmallik vide order dated 08.01.2024.

Learned counsel for the petitioner submitted that the petitioner was earlier granted bail by this Court in BLAPL No.511 of 2016 as per order dated 16.05.2016 and on account of non-taking of steps, non-bailable warrant of arrest has been issued against him on 16.03.2020 and he was taken into judicial custody on 08.01.2024. He further submitted that the petitioner is ready and

willing to cooperate with the learned trial Court for early disposal of the case and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the fact that the petitioner was earlier on bail and taking into account the period of detention in judicial custody, I am of the opinion that it is a fit case for grant of bail to the petitioner.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper to ensure his presence during trial with further condition that the petitioner shall appear before the trial Court on each date when the case would be posted for trial.

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

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

.....