

(2021) 11 OHC CK 0032
In the Orissa High Court
Case No : Bail Application No. 8185 Of 2021

Manu @ Manoj Naik

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 03-11-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 380, 457

Citation : (2021) 11 OHC CK 0032

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

Bench : Single Bench

Advocate : Aditi Hota, L. Samantaray

Final Decision : Disposed Of

Judgement

S.K. Panigrahi, J

1. This matter is taken up through hybrid mode.
2. Heard Ms. Aditi Hota, learned counsel for the Petitioner and Mr. L. Samantaray, learned Additional Government Advocate for the State.
3. The Petitioner being in custody in Colliery P.S. Case No.243 of 2021 corresponding to GR Case No.1093 of 2021, pending in the court of the learned S.D.J.M., Talcher, registered for the alleged commission of offences under Sections 457/ 380/ 34 of the I.P.C., has filed this petition for his release on bail.
4. The allegation of the prosecution is that on 12.06.2021, at about 2.00 A.M., while the informant along with her family members were sleeping in the bedroom, two unknown persons went to her house, opened the door and snatched away one gold Mangalsutra from her neck, one pair of ear ring, one gold ring, cash of Rs.20,000/-, a mobile phone and one ATM card and fled away.
5. Learned counsel for the Petitioner submits that the petitioner has been falsely entangled in this case. Investigation has been completed and charge-sheet has also been submitted. The Petitioner is in custody since 25.08.2021. The trial has

not yet commenced nor there is likelihood of completion of trial in near future.

6. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner. He further submits that five criminal antecedents are reported against the Petitioner. Hence, he submits that the prayer for bail of the Petitioner may be dismissed.

7. Considering the submissions made and on going through the materials available on record, further keeping in view the surrounding circumstances including the period of detention of the Petitioner in custody without trial being commenced and there is a bleak chance of completion of trial in near future, it is directed that the Petitioner be released on bail with such terms and conditions as deemed just and proper by the court in seisin over the matter with further conditions that:-

- i. the petitioner shall appear before the learned trial court on each date of posting of the case;
- ii. he shall not indulge in similar activities in future and
- iii. he shall not tamper the evidence of the prosecution witnesses in any manner.

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

8. Accordingly, the BLAPL is disposed of.

9. Urgent certified copy of this order be granted on proper application.

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