

(2024) 04 OHC CK 0065

In the Orissa High Court

Case No : Bail Application No. 841 Of 2024

Pinku Nayak @ Gobind Chandra Nayak

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 10-04-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 364, 364A, 385, 506, 507

Citation : (2024) 04 OHC CK 0065

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Laxman Pradhan, S.S.Mohapatra

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

1. This is the second application of the petitioners under Section 439 of Cr.P.C. filed in this Court in connection with Sarangada P.S. Case No.98 of 2023 corresponding to C.T. Case No.364 of 2023, pending in the court of the learned S.D.J.M., Balliguda under Sections 364, 364-A, 385, 507, 506, 34 of IPC, which is now pending in the Court of the learned Addl. District Judge-cum-Sessions Judge, Balliguda as S.T. Case No.05 of 2024.

2. The earlier prayer for bail of the petitioners has been rejected on 12.10.2023 granting liberty to them to move for bail afresh after completion of investigation.

3. The prosecution allegation in brief is that on 29.08.2023 at about 8.00 p.m., while Sabina Pradhan had been to Sarangada Bazar, the petitioners along with other accused persons abducted him and demanded Rs.60,000/- from him and took him to a building and detained him there and switched off his mobile phone stating that he would not be released still he paid them of Rs.60,000/-. When some of the accused persons fell asleep, the petitioners went to the birth room switched on his phone and informed his wife that he had abducted for ransomed

and they are demanding of Rs.60,000/- and would kill him if it was not paid. His wife informed the police and FIR was registered on 30.08.2023 and the police came and rescued the petitioners.

4. Mr.L.Pradhan, learned counsel for the petitioners submits that as the petitioner No.1- Pinku Nayak @ Gobind Chandra Nayak is known to the informant he has been named in the FIR and false allegations have been made against the petitioners. The victim has been rescued in the meanwhile and it was found that he has no injury on his person. He further submits that the petitioner No.1- Pinku Nayak @ Gobind Chandra Nayak has only one criminal antecedent but the petitioners are being exposed to hardened criminal in jail. His further submission is that since the victim has been recovered since long and investigation of the case is over, the prayer for bail of the petitioners may be sympathetically considered.

5. Mr.S.S.Mohapatra, learned Addl. Standing Counsel for the State submits that serious allegations have been made against the petitioners and only on account of timely intervention of the police, the victim has been rescued. He further submits that the investigation is in progress and other accused persons are still not arrested.

6. Considering the submissions made and the materials available on record and as the victim has been recovered and investigation in the case has been completed, I am inclined to release the petitioners on bail, subject to verification of their criminal antecedents.

7. The petitioners - Pinku Nayak @ Gobind Chandra Nayak and Rahul Digal shall be released on bail on such terms and conditions as may be fixed by the learned Court below in seisin over the matter, after verifying that petitioner No.2 has no criminal antecedent and petitioner No.1 has only one criminal antecedent, including the following conditions:

(i) They will not indulge in any criminal activity while on bail.

(ii) They will not threaten or try to influence prosecution witnesses while on bail.

(iii) Petitioner No.1-Pinku Nayak @ Gobind Chandra Nayak report before the IIC, Sarangagada P.S. once in a month, preferably on the first Sunday between 4.00 p.m. to 5.00 p.m., till completion of trial.

8. Violation of any condition will entail in cancellation of bail/ recall of this order.

9. The BLAPL is accordingly disposed of.

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

11. Copy of this order be supplied to Mr.S.S.Mohapatra learned Additional Standing Counsel for onward transmission to the IIC, Sarangagada Police Station.

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