

(2024) 03 OHC CK 0199

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 : 28-03-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 323, 342, 364, 364A, 365A, 385, 386, 395, 506

Citation : (2024) 03 OHC CK 0199

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Laxman Pradhan, M.R. Mishra

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

1. This is the second application under Section 439 of Cr.P.C. in connection with Sarangagada P.S. Case No. 98 of 2023 corresponding to S.T. Case No. 5 of 2024 pending in the Court of the learned Addl. District and Sessions Judge, Baliguda where charge sheet dated 28.12.2023 has been submitted against the present petitioners, Udit Nayak, Linkan Majhi and CCL, showing Udit Nayak and Linkan Majhi to be absconder, for commission of offences punishable under Sections 342, 323, 364, 364-A, 385, 365-A, 385, 386, 506, 34 of IPC.

2. BLAPL No. 11089 of 2023 filed earlier by the petitioners had been dismissed on 12.10.2023 granting liberty to the petitioners to move for bail afresh after completion of investigation.

3. Thereafter the prayer for bail of the petitioners had been rejected by the learned Addl. Sessions Judge, Balliguda on 17.01.2024 in S.T. Case No. 5 of 2024 (Split up file).

4. The prosecution allegation in brief is that on 29.08.2023 at about 8.00 p.m.,

while the victim Sabina Pradhan had been to Sarangada Bazar, the petitioners along with other accused persons abducted him and demanded Rs.60,000/- from him to release him. They 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 petitioner went to the bath room switched on his phone and informed his wife that he had been abducted for ransom. His wife informed the police and FIR was registered on 30.08.2023 and the police came and rescued the petitioner.

5. Mr. Laxman Pradhan, learned counsel for the petitioner submits that the petitioner no. 1 Pinku Nayak @ Gobind Chandra Nayak is aged about 24 years and has one criminal antecedents and petitioner no.2 Rahul Digal aged about 21 years, does not have any criminal antecedents and he is being exposed to hardened criminals in jail and they are in custody since 01.09.2023. He further submits that the petitioner no.1 Pinku Nayak @ Gobind Chandra Nayak is known to the victim and false allegations have been made against him and victim has been rescued only a few hours after the alleged abduction and admittedly the accused persons have neither assaulted him nor sustained any injuries.

6. Although the case diary reveals that the petitioner no.1 does not have any criminal antecedent but Mr. Pradhan, learned counsel for the petitioner submits that the petitioner no.1 has one criminal antecedent which is under Section 395 of IPC. Instructions regarding criminal antecedents of petitioner no.2 has not been furnished.

7. Perusal of the letter of the I.I.C., Sarangagada Police Station as well as the case diary reveals that she has mentioned that the petitioner no.1 Pinku Nayak @ Gobind Chandra Nayak does not have any criminal antecedents as per the available P.S. records. From this it is apparent that the I.I.C., Sarangagada Police Station has not taken any steps to ascertain the criminal antecedents of the petitioners from the CCTNS portal.

8. As the case diary does not reveal any criminal antecedents of the petitioners, list this case on 10.04.2024 to enable Mr. Pradhan, learned counsel for the petitioner to produce the details of the case in which the petitioner no.1 is an accused along with the bail order.

9. Mr. M.R. Mishra, learned Addl. Standing Counsel shall call for the criminal antecedents of the petitioners from the Crime Branch on the S.P. Kandhamal regarding criminal antecedents of the petitioners.

10. Copy of this order be supplied to Mr. M.R. Mishra, learned Addl. Standing Counsel.

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