

(2024) 05 OHC CK 0292

In the Orissa High Court

Case No : Bail Application No. 5053 Of 2024

Prasanta Ku. Sahoo @ Prashanta Kumar Sahu @ Litu

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 23-05-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 294, 307

Citation : (2024) 05 OHC CK 0292

Hon'ble Judges : A.K. Mohapatra, J

Bench : Single Bench

Advocate : Pravash Chandra Jena, R. Tripathy

Final Decision : Disposed Of

Judgement

A.K. Mohapatra, J

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.
3. The present bail application under Section 439 of Cr.P.C. has been filed by the Petitioner for regular bail relating to Sarankul P.S. Case No.17 of 2012, corresponding to G.R. Case No.86 of 2012, of the Court of learned Nyayadhikari Gramya Nyayalay, Odagaon, & now after commitment the case has been renumbered as S.T. Case No.34 of 2024 pending before the learned Addl. District & Sessions Judge, Odagaon, for alleged commission of offence punishable under Sections 294 & 307 of IPC.
4. Learned counsel for the Petitioner submits that earlier this matter was not before any other Bench of this Court. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 28.04.2024. He also

contended that the investigation has been completed and the final charge-sheet has been filed. Learned counsel for the Petitioner further contended that as per allegation made in the FIR, the injured has sustained simple injuries. Further it was submitted that the Petitioner does not have any criminal antecedents. He also contended that the Petitioner belongs to locality there is no chance of absconding. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and condition which the Petitioner undertakes to abide by while on bail.

5. Learned counsel for the State on the other hand contended that the allegations made in the FIR are serious in nature. Learned counsel for the State opposed the release of the Petitioner in view of the nature and seriousness of allegation made against the Petitioner. Therefore, he submitted that the prayer for bail of the Petitioner be rejected at this juncture.

6. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, and the fact that the Petitioner does not have any similar criminal antecedents, and the custodial detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. Release of the Petitioner shall also be subject to following conditions:-

- i) he shall not be involved in any offence of similar nature while on bail;
- ii) he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever,
- iii) he shall not make any default in attending the court during trial on each date without fail.
- iv) he shall appear before the concerned Police Station once in a fortnight for four months, thereafter, once in a month till conclusion of the trial preferably on 'Sunday' in between 10.00 A.M to 1.00 PM.

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

7. It is further directed that the bail granted to the Petitioner is subject to the condition that the court below shall verify whether the Petitioner is having any similar criminal antecedent. In the event it is found that the Petitioner is having similar any criminal antecedent, this bail order shall automatically stand revoked.

8. The BLAPL is, accordingly, disposed of..

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