

(2023) 04 OHC CK 0106

In the Orissa High Court

Case No : Bail Application No. 1933 Of 2023

Praveen Varanasi @ V. Praveen & Another

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 10-04-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 120B, 379, 411, 413

Citation : (2023) 04 OHC CK 0106

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : S.S. Ray, P.K. Maharaj

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Learned counsel for the Petitioners is permitted to correct the address of the Petitioners in Court.
2. Heard learned counsel for the Petitioners and learned counsel for the State.
3. The Petitioners are accused in G.R. Case No.13 of 2023 pending on the file of learned J.M.F.C., Bisamkatak arising out of Bissamkatak P.S. Case No.03 of 2023, for commission of alleged offences under Sections 120-B/379/411/413 IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Gunupur, by order dated 14.02.2023 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the Petitioner are in custody since 25.01.2023 on the accusation of being receiver of stolen pipes of different varieties.
6. It is further submitted that since the investigation has progressed substantially

and even if the entire allegation of the prosecution is accepted at its face value, the only offence under Section 411 IPC is made out against the Petitioners. Hence, they may be released on bail.

7. Learned counsel for the State opposes the prayer for bail in view of the criminal antecedents of the Petitioners and also submits that since the Petitioners do not belong to the State of Odisha, it would be difficult to ensure their presence during currency of trial.

8. An affidavit has been filed by the father of the Petitioners relating to criminal antecedents.

9. Considering the progress in investigation and the nature of allegation qua the Petitioners, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

10. Additionally, it is directed that the Petitioners shall not leave the jurisdiction of the learned Court in seisin till submission of final form without its express permission and shall appear before the jurisdictional police station once every two months on such date and time to be fixed by the learned Court in seisin. Certification of such appearance shall be submitted to the Court in seisin.

11. To allay the legitimate apprehension of the learned Public Prosecutor regarding ensuring the presence of the Petitioners during trial since they do not belong to the State of Odisha, additionally it is directed that one of the family members of the Petitioners shall execute a P.R bond in addition to the sureties in terms of the order of the learned Court in seisin and their criminal antecedents from P.S. Srikakulam Rural, Dist-Srikakulam, Andhra Pradesh shall also be called for.

12. If it comes to fore that the Petitioners have any criminal antecedent, this order shall stand recalled.

13. The BLAPL thus stands disposed of.

14. Urgent certified copy of this order be granted as per rules.

.....