

(2022) 03 OHC CK 0211

In the Orissa High Court

Case No : Bail Application No. 9229 Of 2021

Radheshyam Das @ Bhaba @ Bagi

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 31-03-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 395
Arms Act, 1959 — Section 25, 27

Citation : (2022) 03 OHC CK 0211

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

Bench : Single Bench

Advocate : N. Lenka, J.P. Patra

Final Decision : Disposed Of

Judgement

S.K. Sahoo, J

This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Rajnagar P.S. Case No.120 of 2020 corresponding to S.T. Case No.11 of 2021 pending in the Court of learned Asst. Sessions Judge, Pattamundai for alleged commission of offences under section 395 of the Indian Penal Code and sections 25 and 27 of the Arms Act.

The petitioner moved an application for bail before the Court of Asst. Sessions Judge, Pattamundai, which was rejected on 21.09.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 02.07.2020 and the earlier bail applications of the petitioner in BLAPL No.5681 of 2020 and BLAPL No. 2633 of 2021 were rejected as per orders

dated 05.01.2021 and 29.06.2021 respectively on the ground that the identifying witnesses are yet to be examined and the petitioner was granted liberty to move this Court for bail after examination of the identifying witnesses. Learned counsel further submitted that the informant, who is the identifying witness has been examined as P.W.11 and he has not identified the petitioner in the Court and therefore, petitioner's bail application may be favourably reconsidered.

Learned counsel for the State placed the deposition copies, which are annexed to the bail application.

Considering the submissions of the learned counsel for the respective parties, nature of accusation against the petitioner, since the identifying witness has failed to identify the petitioner and further taking into account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct release of the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with such terms and conditions as the learned Court may deem just and proper.

BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

.....