

(2024) 07 OHC CK 0102

In the Orissa High Court

Case No : Bail Application No. 6493 Of 2024

Shaktiman @ Akhil Majhi

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 25-07-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 120B, 395, 397
Arms Act, 1959 — Section 25, 27

Citation : (2024) 07 OHC CK 0102

Hon'ble Judges : Dr. S.K. Panigrahi, J

Bench : Single Bench

Advocate : Chandra Sekhar Mishra, Gyanaranjan Mohapatra

Final Decision : Disposed Of

Judgement

Dr. S.K. Panigrahi, J

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner being in custody in connection with Deogaon P.S. Case No.97 of 2024 corresponding to G.R. Case No.886 of 2024 pending in the Court of learned SDJM, Balangir, registered for the alleged commission of offence under Sections 395/397/120(B) of the I.P.C. and 25/27 of the Arms Act, has filed this petition for his release on bail.
4. The brief fact of the case is that in the night of 21.04.2024 a gang of 20-25 persons entered into the house of the informant and looted gold ornaments and cash of Rs.20,000/- on the points of deadly weapons. It is alleged that the accused persons assaulted the informant and her mother-in-law.
5. During course of investigation, having found prima facie evidence, the present Petitioner was arrested and forwarded to the Court in seisin over the matter on

23.04.2024. He further submits that the Petitioner has been languishing in custody since 23.04.2024. He has been falsely implicated in this case.

6. Learned counsel for the Petitioner also contends that the principal accused has already been enlarged on bail vide order dated 24.07.2024 passed in BLAPL No.5510 of 2024. He, accordingly, submits that the Petitioner may be released on bail.

7. Learned counsel for the State vehemently opposes the bail prayer of the Petitioner.

8. Without going into the merits of the case and since coaccused person has been released on bail vide order dated 24.07.2024 passed in BLAPL No.5510 of 2024, this Court directs the court in seisin over the matter to release the present Petitioner on bail in the aforesaid case on some stringent terms and conditions with further conditions that:

- i. the Petitioner shall appear before the concerned Police Station on every Monday between 10.00A.M. to 1.00P.M. till conclusion of the trial;
- ii. the Petitioner shall plant 100 saplings of local variety like mango, neem, tamarind etc. around his village over the Government land/community land/private land, if it is in the possession of the Petitioner or his family members.
- iv. the Petitioner shall not indulge himself in any criminal activities in future;
- v. the Petitioner shall not tamper the evidence of the prosecution witnesses in any manner;
- vi. the Petitioner shall not threaten or cause any kind of inconvenience to the victim or the family members of the victim;

Violation of any of the above conditions shall entail cancellation of the bail.

9. The District Nursery/D.F.O shall extend the helping hand by supplying the saplings to the Petitioner and the Revenue Authority shall assist the Petitioner in identifying the location for plantation of the saplings.

10. The I.I.C. of the concerned Police Station in coordination with the local Forest Officer shall monitor; whether the Petitioner has planted the saplings or not.

11. It is further made clear that the Petitioner shall file an affidavit after plantation of the saplings before the local Police Station assuring that he will maintain those plants for two years. The said affidavit be also produced before the learned court below at the time of trial.

12. The BLAPL is, accordingly, disposed of.

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