

(2024) 01 OHC CK 0099

In the Orissa High Court

Case No : Bail Application No.94 Of 2024

Tanmaya Naik @ Mantu Naik Vs State Of Odisha ?

Date of Decision : 11-01-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 395

Citation : (2024) 01 OHC CK 0099

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : J.K.Padhi, S.S.Pradhan

Final Decision : Dismissed

Judgement

Savitri Ratho, J

1. This is an application under Section 439 Cr.P.C. in connection with Chhendipada P.S Case No. 386 of 2023 corresponding to G.R. Case No.887 of 2023, pending in the file of the learned J.M.F.C., Angul under Section 395 of IPC.
2. The prayer for bail of the petitioner had been rejected vide order dated 04.01.2024 passed by the learned Addl. District and Sessions Judge-cum-Special Judge, Vigilance, Angul in Bail Application No.695/2023 (104/2023).
3. The prosecution case in brief is that on 12.09.2023 at about 8.30 p.m. while the informant was returning to his house from the customer service point at Kosala bazar alongwith bag containing Rs.2,20,000/-belonging to the customers, four unknown culprits came on two motorcycles and assaulted him by means of a Sanju (a sharp cutting weapon) and injured him on his face, belly and hand and took away the bag containing the money and fled towards Kholaghara sahi. On account of such assault, the informant had sustained injuries and on hearing his shouts, the local people gathered at the spot and took him to the hospital for treatment.
4. Perusal of the rejection order reveals that investigation is in progress.

5. Considering the nature of allegations and as investigation is in progress, I am not inclined to release the petitioner on bail at this stage.

6. The prayer for bail is accordingly rejected.

7. It is open for the petitioner to move for bail afresh after completion of investigation.

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

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