
Rakesh Kumar Swain And Another Vs State Of Orissa

Bail Application No. 7117 Of 2023

Court: Orissa High Court

Date of Decision: Sept. 25, 2023

Acts Referred:

Code of Criminal Procedure, 1973 & Section 439#Indian Penal Code, 1860 & Section 34, 294, 307, 323, 325, 341, 365, 379, 506

Hon'ble Judges: G. Satapathy, J

Bench: Single Bench

Advocate: D.K. Sahoo, S.R. Sahoo, S. Mohapatra

Final Decision: Disposed Of

Judgement

G. Satapathy, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. This is an application U/S.439 of Cr.P.C. by the petitioners for grant of bail in connection with G.R. Case No. 154 of 2023 arising out of Baramba

P.S. Case No. 118 of 2023 pending in the file of learned JMFC, Baramba, Dist-Cuttack for commission of offences punishable under Sections

341/294/323/325/379/307/365/506/34 of IPC, on the allegation of attacking and assaulting the husband of the Informant by means of cudgel.

3. Heard, Mr.D.K. Sahoo, learned counsel for the Petitioners, Mrs. S.R. Sahoo, learned ASC and Mr. S. Mohapatra, learned counsel for the

Informant in the matter and perused the record.

4. Considering the rival submissions and materials placed on record including the injury report of the injured and regard being had to the pre trial

detention of the Petitioners since 15.05.2023 with submission of charge-sheet, this Court admits the Petitioners to bail.

5. Hence, the bail application of the petitioners stands allowed and the petitioners are allowed to go on bail on furnishing bail bonds of Rs.50,000/-

(Rupees Fifty Thousand) only with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such

terms and conditions as deem fit and proper by it with following conditions:-

(i) the petitioners shall not commit any offence while on bail,

(ii) the petitioners shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with,

(iii) the petitioners shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case,

(iv) the petitioners shall report attendance before the Jurisdictional Police Station once in a fortnight preferably on a Sunday of every week in between 10 A.M.

to 12 Noon for three(03) months from the actual date of release from the custody.

The I.I.C. of Jurisdictional Police Station shall not detain the petitioners unnecessarily after recording their attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the

above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the

petitioners in future for grave and serious offences on prima facie accusations may be treated as a ground for cancellation of bail in this case.

6. Accordingly, the BLAPL stands disposed of.

7. Issue urgent certified copy of the order as per Rules.

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