

Sushanta Tandi Vs State Of Orissa

Bail Application No. 3625 Of 2023

Court: Orissa High Court

Date of Decision: Oct. 5, 2023

Acts Referred:

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

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

Bench: Single Bench

Advocate: U.R. Jena, Rajesh Tripathy

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. in connection with S.C. Case No.31 of 2021 arising out of Puintala P.S. Case No.237 of 2020

pending in the Court of learned Sessions Judge, Balangir for offence punishable under section 395 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Sessions Judge, Balangir, which was rejected on 02.03.2023.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 18.11.2020 and similarly situated co-accused, namely,

Sushanta Bibhar has been released on bail in BLAPL No.10347 of 2022 vide order dated 20.01.2023 taking into account the evidence of P.W.10 and

P.W.15 before the learned trial Court in which it is stated that photographs of the accused persons were shown to the witnesses before the test

identification parade and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State fairly submitted that the petitioner stands on the similar footing like the co-accused.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, nature of evidence

adduced by the two identifying witnesses i.e. P.W.10 and P.W.15, release of co-accused on bail and taking into account the period of detention of the

petitioner in judicial custody, I am inclined to release 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 for the Court in seisin over the matter with further terms and conditions as the learned Court may deem

just and proper including the conditions that the petitioner shall appear before the learned trial Court on each date to which the case would be posted

for trial and he shall not indulge in any criminal activities in any manner.

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

Accordingly, the BLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

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