

(2024) 02 OHC CK 0128

Orissa High Court

Case No: Bail Application No. 415 Of 2024

Debiprasad Jena @ Bubu

APPELLANT

Vs

State Of Orissa

RESPONDENT

Date of Decision: Feb. 15, 2024

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 147, 148, 149, 307, 323, 325, 341, 354, 354B

Hon'ble Judges: V. Narasingh, J

Bench: Single Bench

Advocate: D. K. Rath, K.K. Gaya, S.S. Paikray

Final Decision: Disposed Of

Judgement

V. Narasingh, J

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in C.T. No.1002 of 2023 pending on the file of learned S.D.J.M., Bhubaneswar, arising out of Maitrivihar P.S. Case No.205 of 2023 for commission of the offence under Sections 147/148/341/323/325/354/354-B/307/149 IPC.
3. Learned counsel, on instruction, submits that except the present BLAPL, no other bail application of the Petitioner relating to the aforementioned P.S. Case is pending in any other Court.
4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C by the learned 1st Addl. Sessions Judge-cum-Special Judge, Vigilance, Bhubaneswar, by order dated 03.01.2024 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel that the Petitioner is in custody since 18.9.2023 and as charge sheet has been filed on 15. 10.2023, he seeks release.
6. Informant has filed an affidavit on behalf of the victim, inter alia, stating that the Petitioner has been falsely implicated in the case at hand.
7. Learned counsel for the State opposes the prayer for bail in view of criminal antecedents of the Petitioner and submits that the very act of the Informant and other injured goes to indicate that there is a threat perception.
8. Be that as it may, taking into account the filing of the charge sheet, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.
9. Keeping in view the criminal antecedent, additionally, it is directed that the Petitioner shall appear before the jurisdictional police station once every week on such date and time to be fixed by the learned Court in seisin till conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin.
10. It shall be open for the State to initiate action in accordance with law against the deponent of the affidavit if on prove it is found that his statement in the affidavit before this Court relating to false implication of the Petitioner is incorrect.
11. The BLAPL thus stands disposed of.
12. Urgent certified copy of this order be granted as per rules.

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