
(2024) 05 OHC CK 0115

Orissa High Court

Case No: Bail Application No. 1300 Of 2024

Pankaj Nayak @ Naik

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: May 14, 2024

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 384, 506, 507

Hon'ble Judges: A.K. Mohapatra, J

Bench: Single Bench

Advocate: Sudeep Kumar Sarangi, D.Nayak

Final Decision: Disposed Of

Judgement

A.K. Mohapatra, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).Â Â
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2. Heard learned counsel for the Petitioners as well as learned Additional Government Advocate for the State. Perused the materials placed before
this Court.

3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Kutra P.S.Case No.09
of 2020 corresponding to G.R.Case No.39 of 2018 pending in the Court of the learned J.M.F.C., Rajgangpur for alleged commission of offence under
Sections 384, 506,507/34 of the Indian Penal Code.

4. Learned counsel for the Petitioner submits that earlier this matter was not before any other Bench of this Court. It is submitted by the learned

counsel for the Petitioner that the Petitioner is in custody since 16.01.2024. Further, it is contended that in the meantime investigation has been completed and charge sheet has been filed on 13.03.2020. Learned counsel for the Petitioner further contended that all the accused persons have been released on bail by the learned trial Court. Since the Petitioner was absconded, his bail application was rejected by the trial court. It is also contended that the Petitioner does not have any criminal antecedent. He also contended that since the Petitioner belongs to the locality, there is no chance of his absconding. On such ground, learned counsel for the Petitioner prays for grant of bail to the Petitioner on any suitable terms and conditions.

5. Learned Additional Standing Counsel for the State on the other hand objected to the release of the Petitioner on bail on the ground that the allegations made against the Petitioner is serious in nature. He also contended that in the event he is released on bail, there is every possibility of his absconding, which would cause delay in conclusion of trial. Petitioner is having series of criminal antecedents. He further contended that in the event the petitioner is released on bail, there is every possibility of his absconding and in such eventuality, delay would cause in conclusion of the trial. On such ground, learned Additional Government Advocate urges for rejection of the bail application of the petitioner.

6. Having heard learned counsels for the parties as well as considering the surrounding facts as well as the materials on record this Court is inclined to release the Petitioner on bail and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter with the following conditions. Release of the Petitioner on bail shall be subject to the terms and conditions that would be fixed by the learned court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

7. . It is also directed that the bail granted to the Petitioner is subject to the verification of criminal antecedents of similar nature by the court in seisin

over the matter. In the event it is found that the Petitioner has any criminal antecedents of similar nature, this bail order shall not be given effect to.

8. The BLAPL is, accordingly, disposed of.

9. Issue urgent certified copy of this order as per Rules.

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