

(2024) 05 OHC CK 0124

Orissa High Court

Case No: Bail Application No. 3124 Of 2024

Sitaram Jena @
Banguru

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: May 8, 2024

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 307, 323, 324, 341, 342, 377, 384, 506, 511

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

Bench: Single Bench

Advocate: Kuldeep Mohanty, P.C.Das

Final Decision: Disposed Of

Judgement

A.K. Mohapatra, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.
3. The present bail application under Section 439 of Cr.P.C. has been filed by the Petitioner for regular bail in connection with C.T.Case No.270 of 2023, arising out of Kasafal Marine P.S.Case No.14 of 2023, pending in the Court of learned J.M.F.C.(R), Balasore for alleged commission of offence punishable under Sections 341, 342, 323, 324, 506, 307, 377, 511, 384/34 of the Indian Penal Code.

4. It is submitted by the learned counsel for the Petitioner that the petitioner is in custody since 17.03.2024. He further contended that in the meantime investigation has been concluded and Charge Sheet has been filed. With regard to the allegations made in the F.I.R., learned counsel for the Petitioner submitted that the injuries sustained by the injured are simple in nature. Further, learned counsel for the Petitioner contended that since the Petitioner belongs to the locality, there is no chance of his absconding. He further contended that although the Petitioner is having some criminal antecedents, however there is no serious allegation of such criminal cases registered against the Petitioner. It is also contended by learned counsel for the Petitioner that referring to the allegation made against the Petitioner the offence under section 377 of the Indian Penal Code is not made out against the Petitioner. Further, he contended that the Petitioner is ready and willing to abide by the terms and conditions that will be imposed in the event of his release on bail.

5. Learned Additional Standing Counsel appearing for the State on the other hand objected to the release of the Petitioner on bail on the ground that the allegations made in the F.I.R. are serious in nature. Further, it is contended by the learned counsel for the State that the Petitioner is having criminal antecedents, therefore there is every possibility of his involvement in criminal offences in the event of his release on bail. In such view of the matter, the prayer for bail of the Petitioner be rejected at this juncture.

6. Having heard learned counsels for the parties as well as on careful examination of the background facts of the present case and taking into consideration the fact that the offence under section 377 of the Indian Penal Code is made out against the Petitioner, this Court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.35,000/- (Rupees Thirtyfive 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 terms and conditions.

- I) The Petitioner shall not be involved in any similar nature of offence while on bail;
- II) he shall appear before the trial court on each and every date fixed without fail;

III) he shall appear before the concerned P.S. once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. for a period of three months and thereafter once in a

month till conclusion of trial.

IV) he shall not threaten, harass, influence or terrorise the victim and his family members in any manner while on bail.

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

7. The BLAPL is, accordingly, disposed of.

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

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