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**(2024) 07 OHC CK 0014**

**Orissa High Court**

**Case No:** Bail Application No. 6387 Of 2024

Biswajit Dash

APPELLANT

Vs

State Of Odisha

RESPONDENT

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**Date of Decision:** July 2, 2024

**Acts Referred:**

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 294, 341, 420, 506

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

**Bench:** Single Bench

**Advocate:** Bharat Bhusan Routray, M.K.Mohanty

**Final Decision:** Disposed Of

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### **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 G.R. Case No.35 of 2024, arising out of Jhirpani P.S. Case No.5 of 2024, pending in the Court of learned J.M.F.C, (Rural), Rourkela for alleged commission of offence punishable under Sections 341, 294, 506, 420, 34 of I.P.C.
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 10. 01.2024. He further contended that investigation has been concluded and charge sheet has been filed in the meantime. Further contended that all the offences in F.I.R. are triable by the Magistrate. Further contended that the Petitioner does not have any similar criminal antecedent and that the Petitioner belongs to the locality and there is no chance of absconding. In such view of the matter learned counsel for the Petitioner contended the Petitioner be released on bail on such terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

5. Learned Additional Standing Counsel on the other hand submitted in the event this Court is inclined to release the Petitioner on bail, stringent conditions might be imposed such as appear before the trial court.

6. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.25,000/- (Rupees Twenty Five thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter.

8. It is further directed that the bail granted to the Petitioner be subject to the condition that the court below shall verify the similar criminal antecedents of the Petitioner. In the event it is found that the Petitioner is having any similar antecedents, this bail order shall automatically stand revoked.

9. The BLAPL is, accordingly, disposed of.

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