

(2024) 07 OHC CK 0018

Orissa High Court

Case No: Bail Application No. 6425 Of 2024

Santosh Patra @ B. Santosh Patra

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: July 2, 2024

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 394

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

Bench: Single Bench

Advocate: Jyotirmaya Sahoo, S.Jena

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 G.R. Case No.727 of 2024, arising out of Nimakhandi P.S. Case No.152 of 2024, pending in the Court of learned J.M.F.C.(R) Cog., Berhampur for alleged commission of offence punishable under Section 394 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

14. 05.2024. He further contended that investigation has been progressed substantially. He further contended that although the Petitioner is having several criminal antecedents, however, the Petitioner is on bail in all the above cases. He further submitted that the Petitioner has been falsely implicated by the Police in several cases, although the Petitioner has not involved in such cases. 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 opposed the bail application of the Petitioner on the ground that the Petitioner is having several criminal antecedents. Further submitted that the Petitioner is a habitual offender, therefore, in the event the Petitioner is released on bail, he might indulge in similar criminal offences. Therefore, on such ground, learned counsel for the State submitted that the bail application of the Petitioner be rejected at this juncture.

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.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 a condition that the Petitioner shall appear before the jurisdictional Police Station once in a week for a period of two months preferably on 'Sunday' in between 10.00 A.M. to 1 P.M., thereafter once in a fortnight for a period of three months, thereafter once in a month till conclusion of the trial.

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

8. It is further directed that the bail granted to the Petitioner subject to depositing a cash security of Rs.5,000/- (Rupees five thousand) before the learned Court in seisin over the matter, which shall be kept in any Nationalized bank in interest bearing account initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall be abide by the final outcome of the trial of the case.

9. The BLAPL is, accordingly, disposed of.

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