

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4244 of 2023

***Purna Chandra Patra @ Purna
Chandra @ Deheri Patra***

.... ***Petitioner***

Mr.S.K.Dwibedi, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.04.2023

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Tusura P.S. Case No.08 of 2023 corresponding to G.R.Case No.104 of 2023 pending in the Court of the learned S.D.J.M., Balangir for commission of an alleged offence under Sections 394 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 22.02.2023. He further contended that due to previous enmity the Petitioner has been implicated in the present case. It is also contended by the learned counsel for the Petitioner that the Petitioner has no criminal antecedent. Accordingly, learned counsel for the Petitioner submitted that the

Petitioner be released on bail on any suitable terms and conditions as would be fixed by this Court.

5. Learned Additional Standing Counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that in the event the Petitioner is released on bail, he may not cooperate with the trial and would cause delay in early disposal of trial. In such view of the matter learned Additional Standing Counsel submits that the bail application of the Petitioner be rejected at this juncture.

6. Considering the aforesaid submissions made by the learned counsel for the respective parties and on a careful consideration of the surrounding facts and circumstances of the case, further keeping in view the period of detention of the Petitioner already undergone by him and that the Petitioner has no criminal antecedents of similar nature, 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.20,000/- (Rupees Twenty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) he shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.
- ii) shall not indulge in any offence of similar nature
- iii) shall not tamper with the prosecution evidence while on bail.
- iv) shall not influence or threaten any prosecution evidence while on bail.
- v) shall appear before the concerned P.S. once in a fortnight for a period of three months 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 the trial.

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

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

8. The Bail Application is accordingly disposed of.

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

RKS

