

Bibhu Das @ Bibhuti And vs State Of Odisha Opposite Party(S) on 25 June, 2024

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3948 OF 2024

Bibhu Das @ Bibhuti and
others

....

Petitioner(s)

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party(s)

Mr. B. K. Ragada, AGA

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

25.06.2024 Order No.

04. 1. This is an application under Section 439 Cr.P.C.

2. The petitioners are the accused in connection with Khallikote P.S. Case No.851 of 2023 corresponding to G.R. Case No.2196 of 2023 for the offence under Sections 341/294/323/325/326/307/363/120-B/34 of I.P.C. read with Sections 25(1-a)/25(6) of the Arms Act and Sections 4/5 of the E.S. Act and while forwarding, Section 364 of I.P.C. is added pending in the Court of the learned J.M.F.C., Khallikote.

3. The allegation as per the F.I.R. is that on 25.11.2023 at about 7.00 A.M. while the niece of the informant was asked one of her villager namely Ranjan Das regarding the whereabouts of her child, the co-accused namely Ajay Das assaulted him by giving slap. Thereafter, Ranjan Das and one Nira Das pelted two numbers of bombs towards two sides of the niece of the informant, as a result of which, he sustained injury. It is further alleged that the F.I.R. named persons kidnapped her child. Hence, this case has been registered.

4. The present petitioners had approached this Court for grant of bail by filing BLAPL No.850 of 2024. This Court vide order dated 14.03.2024 had admitted the petitioner No.1 on bail. So far as petitioner Nos.2 to 4 are concerned, this Court rejected their bail plea, however granted liberty to those petitioners to renew their bail plea after the charge-sheet is filed. The charge-sheet in the present case has already been filed on 22.03.2024 against the petitioners. Thereafter, the petitioners had moved application for grant of bail before the learned Additional Sessions Judge, Khallikote.

Vide impugned order dated 10.04.2024, the trial Court rejected the bail plea of the petitioners. Assailing the same, the petitioners have approached this Court by way of the present petition. The allegation against the petitioners are similar to that of the co-accused those who have already been granted bail. Niranjan Das and Ranjan Das those who are absconding are the main accused in the present case those who alleged to have pelted two numbers of bombs resulting in causing injury to two people. Vide order dated 14.03.2024, this Court had granted bail to one Ajay Das. The case of the present petitioners is similar to that of Ajay Das. Therefore, on parity the petitioners are entitled to grant bail.

5. Learned counsel for the petitioners submits that there is no bail plea pending before any other Court moved by the petitioners.

6. Taking into consideration the period of custody from 26.11.2023, the nature of accusation and the fact that the co-accused persons have already been granted bail, I am inclined to admit the petitioners on bail.

Hence, the petitioners be released on bail by the learned Court in seisin over the matter in the aforesaid case on such terms and conditions as it would deem just and proper subject to the following conditions:-

(i) The petitioners shall cooperate with the investigation.

(ii) They shall not tamper with the evidence in any manner whatsoever.

Violation of the bail conditions shall entail consideration for cancellation of the bail granted to the petitioners.

7. The BLAPL is accordingly disposed of.

(S.S. Mishra) Judge Swarna Location: High Court of Orissa