

**IN THE COURT OF THE ADDITIONAL SESSIONS
JUDGE: CHATRAPUR, DIST-GANJAM.**

Bail Application No. 140/2021
(E-Court Regd. No 140/2021)

(Arising out of G.R. No. 311/2021 on the files of
learned J.M.F.C., Purushottampur corresponding
to Purushottampur P.S. case No. 314 dtd:
17.07.2021)

1. Ranjan Bishoyi, aged about 32 years,
S/o: Prafula Bishoyi,
of Vill- Medical Sahi, K.S.Nagar,
2. Biswajit Paikray, aged about 37 years,
S/o Bijay Paikray,
Vill- Athagadapatana,
3. Mukesh Sahu, aged about 32 years
S/o Narendra Sahu, Vill- Nandiagada,
All are of P.S. K.S. Nagar and Dist-Ganjam.

...Petitioners.

Versus

State of Odisha. ...

...Respondent.

Advocate for the petitioners : Sri Srikanta Mishra, Advocate

Advocate for the State : Sri R.Ch. Choudhury, Addl.P.P.

ORDER

Later

dtd.02.08.2021

The petitioners accused persons named above in this application U/s 439 of Cr.P.C. has approached this court for grant of bail.

2. The petitioners are the accused persons in G.R. case No. 311/2021 pending in the Court of learned J.M.F.C., Purushottampur for commission of offence U/s 394 of IPC read with section 25(1-B)/27 Arms Act.

3. Heard both the sides on bail.

4. The learned counsel for the petitioners accused persons has submitted that the petitioners accused persons are innocent persons and have been falsely implicated in this case

and all the offences as alleged are triable by the Magistrate of First Class. The petitioner accused persons are ready to abide by any condition imposed upon them if they will be released on bail.

Learned counsel for the petitioners accused persons also filed a memo stating therein that there is no bail application filed or pending before any other court including Hon'ble High Court of Orissa, Cuttack as on today.

5. The learned Addl. P.P. to reject the bail petition submitted that the accused persons are being involved in commission of offences U/s 394 IPC read with Sec. 25(1-B)/27 Arms Act and in the event they are released on bail there is every chance of their absconding, committing similar type of offences and non-cooperation in the trial.

6. On hearing submission from both the sides and on perusal of the materials available in the case record I found the petitioners accused persons are alleged to have involved in commission of offence punishable U/s 394 IPC read with Sec. 25(1-B)/27 Arms Act. The FIR story reveals that on 16.07.2021 at about 8.20 p.m. the petitioners accused persons came to the hotel of the informant in a car and asked for wine and he denied, abused him, assaulted him so also forcibly took Rs. 45,000/- from the cash counter. The learned counsel for the petitioner accused submitted that this case has been falsely foisted which is transparent from the document filed by the I.O. in this case and in this connection brought to notice that the FIR though registered on 17.07.2021 at about 1 p.m. the I.O. recorded the statement of the witnesses on 16.07.2021 so also made seizure as well as sent medical requisition on 16.07.2021 which clearly casts doubt on the prosecution case. It is also submitted that the informant though in his FIR not named any of the petitioner accused and the police has arrested the three petitioners accused, for their identification, the I.O. has not conducted T.I. parade to ascertain the involvement of the petitioners accused persons in the case crime. It is further submitted that when in the FIR story there was no allegation that the unknown persons who committed the alleged offence were armed with a pistol, the I.O. in order to implicate the accused persons in this case, showed seizure of a pistol as per statement of the co-accused which also creates suspicion on the prosecution case.

In this connection I found that the FIR though submitted by the informant before the IIC, Purushottampur P.S. on 17.07.2021 and the same was registered vide P.S. case No. 314 dtd. 17.07.2021, but the seizure list, statement of the

accused U/s 27 of Indian Evidence Act, statement of the witnesses U/s 161 Cr.P.C., medical examination, memo of arrest, medical examination of the injured have bears the signature of the I.O. with date 16.07.2021. The I.O. though has submitted up-to-date C.D. today but there is no material about conduct of T.I. parade in this case. The documents filed today reveal that the investigation of this case has been substantially progressed and the petitioners accused persons are in custody since 17.07.2021 and they are resident under the jurisdiction of Kabisuryanagar P.S.

7. Hence, in the facts and circumstances of this case, stay of the petitioners accused persons in custody, nature and gravity of the offences and the materials available in the case record, I am inclined to release the petitioners accused persons on bail. Accordingly, let the petitioners accused persons be released on bail by furnishing bail bond of Rs. 50,000/- (Fifty thousand) with two solvent sureties each for the like amount with the following conditions that:-

- (i) they shall not indulge in any criminal activity and shall not commit any offence of similar nature,
- (ii) they shall appear before the I.O. as and when required till submission of F.F., and violation of any of the above conditions shall entail cancellation of the bail.

Send back the LCR along with copy of this order to the J.M.F.C., Purushottampur for information and necessary action.

Sd/- Sri R R Padhi,

02.08.2021

Addl. Dist. & Sessions Judge,
Chatrapur, Ganjam.

Memo No _____ Date _____

Copy of the extract order dated 02.08.2021 passed in BLAPL 140/2021 along with the LCR in GR 311/2021 (along with 14 sheets of police papers) is hereby sent to the J.M.F.C., Purushottampur for information necessary action.

Addl. Dist. & Sessions Judge,
Chatrapur, Ganjam.