

BLAPL No. 808 OF 2022

Later

15.11.2022

Heard on the bail petition. Put up later for orders.

Dictated.

Sd/-

Asst. Sessions Judge,
Talcher.

Later

The accused - petitioner being aggrieved by the order dtd. 15.10.2022 of the Court of S.D.J.M., Talcher rejecting his bail petition has preferred this petition to release him on bail.

At the footnote of the bail application, a certificate has also been furnished to the effect that no other petition is filed or pending in any other Court having jurisdiction. Today a separate memo has also been filed by the learned counsel for the accused-petitioner that no such bail application is pending or filed in any other Court having jurisdiction.

The prosecution allegation is that, on 08.09.2022 the informant Arya Pragya lodged a written report before the I.I.C., Colliery P.S. alleging therein that, he is residing at Qtr. No. C/10, GM(T) Colony, Talcher (near VTC) under Colliery P.S.. On dtd. 26.08.2022 at about 7.00 A.M. he had gone to perform his duty. While he was returned from his duty at

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about 7 P.M., found that the front Grill of the house was broken and one Apple Watch, one phone, one hard disk and one DSLR Camera was stolen from his house. Hence, being aggrieved the informant reported the matter in writing before the I.I.C., Colliery P.S.. The said written report of the informant was treated as F.I.R. and registered the same. As the present-accused petitioner is involved for commission of alleged offence, he was remanded to the custody to the Court of learned S.D.J.M., Talcher in connection with this case. The bail petition of the accused-petitioner having been rejected on the grounds of gravity of the offence, he has preferred this bail petition for his release as stated.

In course of submission, the learned counsel for the accused-petitioner submits that, the accused – petitioner is innocent of the offence alleged and there is no chance of his absconding if he is released on bail. The investigation of the case has progressed to the considerable extent and hence there is no chance of tampering with the prosecution evidence. Further, he submitted that the accused –petitioner has been falsely implicated in this case and he is no way connected with the alleged offence and to harass him, this false case has been registered. He further submitted that, the accused-petitioner is the only earning member of his family and his further detention

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in jail custody will cause starvation to his family. He is the permanent resident of the jurisdiction of the Court below and there is no chance of his absconding if he is released on bail. He also submitted that the accused-petitioner is ready to abide by any terms and conditions in the event of his release on bail.

On the other hand, the learned Addl. P.P. opposed the bail petition vehemently. He submitted that the alleged offence committed by the accused-petitioner is heinous. If he released, there is every chance of absconding of the accused and tampering with the prosecution evidence and he shall continue with theft which will have an adverse impact on the society. Hence, he should not be released on bail. Finally, he prayed that the bail petition be rejected.

Heard the learned counsel for the accused-petitioner as well as the learned counsel for the State. On perusal of the case record, it is revealed that the present accused-petitioner is involved in similar offence in another Colliery P.S. Case No. 439, dtd. 02.09.2022 corresponding to G.R. Case No. 2056 of 2022 pending in the Court of S.D.J.M., Talcher. On further perusal of the case record, it is revealed that, the case diaries have been submitted showing his involvement in commission of the alleged offence. The offence committed by the accused-petitioner is

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grievous in nature and this type of offence is rampant in the society. He has also criminal antecedent. At this stage, if the accused -petitioner is released on bail, there will be a bad impact in the society and accused person may commit such type of offence if he is released on bail at this stage. The investigation of the case is under progress. At this stage, if the accused-petitioner is released on bail, there is every chance of tampering of the prosecution evidence and there is every possibility that they may flee the hands of justice once he is released on bail. Hence, at this stage, considering the above facts and circumstances, the nature and gravity of offence, I am not inclined to release the accused – petitioner on bail. The bail petition stands rejected being devoid on merit.

The bail petition thus stands disposed of.

Give a free copy of this order to the accused -petitioner if applied for.

Send the L.C.R. along with a copy of this order to the learned S.D.J.M., Talcher forthwith.

Dictated.

Sd/-

Asst. Sessions Judge,
Talcher.