



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 10401 of 2024

Toyeb Alli Molla

...

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

...

Opposite Party

Mr. R.B. Mishra, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
29.04.2025

Order No.

09.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application U/S.483 of BNSS by the petitioner for grant of bail in connection with Basta P.S. Case No.191 of 2022 corresponding to C.T. Case No.494 of 2022 pending in the file of learned J.M.F.C., Basta for commission of offences punishable U/S.395 of IPC r/w. Section 25/27 of Arms Act, on the allegation of committing dacoity in the bank and taking away cash of Rs.8Lakhs and some odd and other valuables including mobiles along with co-accused persons.
3. Heard, Mr. Suryakanta Dwibedi, learned counsel for the petitioner and Mr. R.B. Mishra, Addl. PP in the matter and perused the record including the certified copy of the entire order sheet of Case No.N-



158 of 2018 of the Court of learned Addl. Sessions Judge, 6th Court, Barasat, North 24-Parganas which is taken on record, wherein the petitioner was found to be in custody till 25.08.2022 w.e.f. 18.08.2018.

3.1. It is apparently clear that the occurrence was stated to have taken place on 22.07.2022 as the FIR discloses its registration on the very same day of occurrence, but fact remains that the petitioner was in custody on that day as per the certified copy of the order sheet of Case No.N-158 of 2018 of the Court of learned Addl. Sessions Judge, 6th Court, Barasat, North 24-Parganas together with the judgment passed therein. The prayer for bail of the petitioner is also opposed to on the ground of his criminal antecedent, but the aforesaid facts, however, discloses no prima facie case against the petitioner and thereby, the criminal antecedent, if any, of the petitioner is hardly of any significance.

4. In view of the above facts and after having considered the rival submissions and taking into consideration the nature and gravity of the offence as alleged against the petitioner vis-à-vis the accusations sought to be brought against him and regard being had to pre-trial detention of the petitioner in custody since 25.04.2024 and taking into account the other circumstances on record in entirety, this Court without expressing any view on merits, admits the petitioner to bail.



5. Hence, the bail application of the Petitioner stands allowed and the Petitioner is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) only with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following conditions:-

(i) the petitioner shall not commit any offence while on bail and,

*ii) the petitioner in the course of trial shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with. **In case the Petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.269 of BNS,2023 in accordance with law.***

iii) the petitioner shall report attendance before the Jurisdictional Police Station once in a fortnight preferably on a Sunday in each month in between 10 A.M. to 12 Noon for three (03) months from the actual date of release from the custody,

The IIC of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if



any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioner in future for any grave/similar offence on prima facie accusations may be treated as a ground for cancellation of bail in this case.

6. Accordingly, the BLAPL stands disposed of.

7. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

S.Sasmal