

31.10.2017 Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under Section 439 Cr.P.C. in connection with Buguda P.S. Case No. 267 of 2016 corresponding to G.R. Case No. 247 of 2016 pending in the Court of learned J.M.F. C., Buguda for the offences punishable under sections 395/412/109/201 of the Indian Penal Code and Sections 25-(1-B) (a)/27 of the Arms Act. Learned counsel for the petitioner filed an affidavit indicating the position of the criminal cases against the petitioner which is taken on record.

It is stated by the learned counsel for the petitioner that the petitioner was taken on remand in this case on 31.03.2017 and charge sheet has been submitted under sections 395/412/109/201 of the Indian Penal Code and sections 25-(1-B)(a)/27 of the Arms Act on 04.04.2017 and except the confessional statement of the co-accused, there is absolutely no material against the petitioner and no attempt has been taken by the investigating officer to conduct any T. I. parade after the petitioner was taken on remand and therefore, the bail application may be favourably considered.

Learned counsel for the State has produced the case diary and does not dispute the contention raised by the learned counsel for the petitioner.

Considering the submission made by the learned counsels for the respective parties, nature of accusation

against the petitioner, period of detention of the petitioner in judicial custody and absence of any T.I. parade for identification or recovery of any stolen articles from the possession of the petitioner in connection with the case, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.20,000.00 (rupees twenty thousand) with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper with further conditions that he shall appear before the learned trial Court on each date when the case would be posted for trial and he shall not tamper with the evidence and in case of violation of any of the conditions imposed either by this Court or by the learned trial Court, the bail bond shall be liable to be cancelled.

The BLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

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S. K. Sahoo, J.