

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8910 of 2023

Nakula Mahakuda @ Nakula *Petitioner*
Mr. B.P. Pradhan, Advocate

-versus-

State of Odisha *Opposite Party*
Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.11.2023

Order No.

05.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with C.T. Case No.272 of 2023 pending on the file of learned J.M.F.C., (Cog-III, Bhubaneswar), arising out of Nayapalli P.S. Case No.123 of 2023 for commission of offence alleged under Sections 395/120-B of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge, Vigilance, Bhubaneswar by order dated 03.08.2023 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the allegation against the present Petitioner is that at the behest of the principal accused Jagannath Prasad Dasarapurua and Ranjit Dasarapurua being engaged by the co-accused Biswanath Jena @ Raghav Jena, he has committed the offence.
5. It is further submitted that the said Biswanath Jena @ Raghav Jena has since been released on bail by this Court by order

dated 02.11.2023 in BLAPL No.10201 of 2023, Petitioner may be released on bail inter alia on the ground of parity.

6. Learned counsel for the State opposes the prayer for bail and submits that the last offence so far as the said Biswanath Jena @ Raghab Jena is concerned, is Laxmisagar P.S. Case No.377 of 2017 whereas, the Petitioner has criminal proclivity of recent origin.

7. Apart from it, it is submitted on instruction that the Petitioner was also booked under NSA.

8. So far as NSA is concerned, it is placed on record by the learned counsel for the Petitioner that the order of preventive detention was set-aside by this Court by judgment dated 14.12.2018 in WPCRL No.32 of 2018. The same is taken on record.

9. Taking into account the nature of allegations qua the Petitioner and considering the release of the Biswanath Jena @ Raghab Jena, as noted, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

10. Keeping in view the criminal antecedent of the Petitioner, it is directed that the Petitioner shall appear before the jurisdictional police station thrice every week on such date and time to be fixed by the learned Court in seisin till conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin. Any default shall entail cancelation of bail in accordance with law and in addition to the sureties so fixed, one of the immediate family member of the Petitioner shall execute a P.R. bond. The Petitioner shall not leave the jurisdiction of the learned Court in seisin without its express permission and he shall provide his mobile number to the I.O.

11. In view of the criminal antecedents, it is further directed that the Petitioner shall not in any way try to threaten the Informant and/or his family members. Leave is granted to the

Informant/Prosecution to seek variance of this order, if there is any threat perception.

12. Accordingly, the BLAPL stands disposed of.
13. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi

