
(2023) 05 OHC CK 0234

Orissa High Court

Case No: Bail Application No. 5331 Of 2023

Kanhu Charan Panda

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: May 17, 2023

Acts Referred:

Code of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 399, 402#Arms Act, 1959 " Section 25(1B)(a), 25(6)#Explosive Substances Act, 1908 " Section 3, 4

Citation: (2023) 05 OHC CK 0234

Hon'ble Judges: V. Narasingh, J

Bench: Single Bench

Advocate: S.K. Mahanty, K.K. Gaya

Final Decision: Disposed Of

Judgement

V. Narasingh, J

1.~, Heard learned counsel for the Petitioner and learned counsel for the State.~,

2.~, The Petitioner is an accused in connection with G.R. Case No.232 of 2023, pending before the Court of the learned J.M.F.C., Kabisuryanagar,

arising out of Kabisuryanagar P.S. Case No.238 of 2023 for alleged commission of offences under Sections 399/402 IPC and Section 25(1-B)

(a)/25(6) of the Arms Act and Section 3/4 of the Explosive Substance Act.~,

3.~, Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. District & Sessions Judge, Kodala, by order

dated 2.5.2023 in the aforementioned case, the present BLAPL has been filed.~,

4. It is submitted by the learned counsel that the Petitioner is in custody since 18.4.2023.

5. The allegation against the Petitioner is that he along with other co-accused had assembled for committing the dacoity.

6. It is the further submission of the learned counsel for the Petitioner that the basis of implication is on account of the statement of the co-accused

Banti Barik, Mangu @ Rabindra Lenka and Deepak Prasad Jena and from those accused persons live ammunitions, cash, sword, motor cycle, torch

light liquor bottles and chili powder etc. were seized.

7. It is stated that the Petitioner is the first offender.

8. Learned counsel for the State opposes the prayer for bail during currency of investigation.

9. Considering the nature of allegation and the basis of implication and the submission of the Petitioner being fortified from the narration in the order of

rejection, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin subject to verification of

the criminal antecedent of any nature.

10. If it comes to the fore that the Petitioner has any criminal antecedent, this order shall stand recalled.

11. Additionally, it is directed that the Petitioner shall appear before the jurisdictional police station once every week on such date and time to be fixed

by the learned Court in seisin till submission of final form. Certification of such appearance shall be submitted to the Court in seisin.

12. Accordingly, the BLAPL stands disposed of.

13. Urgent certified copy of this order be granted as per rules.