

(2024) 07 OHC CK 0037

Orissa High Court

Case No: Bail Application No.2553 Of 2024

Asif@asif Khan

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: July 1, 2024

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 395
- Arms Act, 1959 - Section 27

Hon'ble Judges: A.K. Mohapatra, J

Bench: Single Bench

Advocate: Jyotirmaya Sahoo, M.K.Mohanty

Final Decision: Disposed Of

Judgement

A.K. Mohapatra, J

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel appearing for the Petitioners and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.
3. The present bail application under Section 439 of Cr.P.C. has been filed by the Petitioners for regular bail in connection with G.R. Case No.1807 of 2023, arising out of Digapahandi P.S. Case No.295 of 2023, pending in the Court of learned S.D.J.M., Berhampur for alleged commission of offence punishable under Sections 395 of I.P.C., r/w Section 27 of Arms Act.

4. Learned counsel for the Petitioners submits that earlier this matter was not before any other Bench of this Court. It is submitted by the learned counsel for the Petitioners that the Petitioners are in custody since 07.12.2023. He further contended that initially the F.I.R. was registered against unknown accused persons. He further contended that although the Petitioners have been arrested in another case, they have been taken on remand in the present case. He further contended that no TI parade has been conducted in the present case. He contended that in the meantime investigation has been concluded and charge sheet has been filed. Learned counsel further contended that the Petitioners belong to the locality, there is no chance of absconding. In such view of the matter learned counsel for the Petitioners contended the Petitioners be released on bail on such terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

5. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioners on the ground that the allegations made in the F.I.R. are serious in nature and in the event this Court is released the Petitioners on bail, there is an every possibility that they might indulge in similar criminal offences. Therefore, on such ground, learned counsel for the State submitted that the bail application of the Petitioners be rejected at this juncture.

6. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, further keeping in view the fact that the Petitioners do not have any similar criminal antecedent, this Court is inclined to release the Petitioners on bail subject to imposition of stringent conditions.

7. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter.

8. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper.

9. It is further directed that the bail granted to the Petitioners be subject to the condition that the court below shall verify the criminal antecedent of the Petitioners. In the event the Petitioners are having more than one similar criminal antecedent, this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

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