

Asif@asif Khan Vs State Of Odisha

Court: Orissa High Court

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

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