

(2023) 09 OHC CK 0194
In the Orissa High Court
Case No : Bail Application No. 9313 Of 2023

Himanshu Sekhar Swain

APPELLANT

Vs

State of Orissa

RESPONDENT

Date of Decision : 27-09-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 395
Arms Act, 1959 — Section 25(1B)(a), 27

Citation : (2023) 09 OHC CK 0194

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : T.K. Mohanty, H.K. Panigrahi

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Since both the two BLAPLs relate to the same P.S. Case (Dharakote P.S. Case No.06 of 2023) (before the learned J.M.F.C., Aska), they are heard together and disposed of by this common order, on the consent of the parties.
2. Heard learned counsel for the Petitioners and learned counsel for the State.
3. The petitioners are accused in connection with G.R. Case No.29 of 2023, pending before the learned J.M.F.C., Aska arising out of Dharakote P.S. Case No.06 of 2023 for alleged commission of offences under Section 395 of IPC read with Section 25(1-B)(a)/27 of Arms Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Aska, by order dated 12.07.2023 & 05.04.2023 in the aforementioned cases respectively, the present BLAPLs have been filed.
5. It is submitted by the learned counsel that the Petitioners were taken into

custody in Dhenkanal Sadar P.S. Case No.20 of 2023 under the NDPS Act on 09.01.2023 and thereafter remanded in the present case.

6. The comprehensive affidavit filed at the behest of the Petitioners relating to their criminal antecedents is taken on record.

7. It is stated by the learned counsel for the Petitioners that the Petitioner (Himansu Sekhar Swain) in BLAPL No.9313 of 2023 was released on bail by order dated 11.07.2023 in BLAPL No.2470 of 2023 and Petitioner (Kanhua @ Ranjit Rout) in BLAPL No.5239 of 2023 was released on bail by order dated 21.08.2023 in BLAPL No.2281 of 2023.

8. It is submitted by the learned counsel for the Petitioners that keeping in view the nature of accusation and as charge sheet has been filed on 22.06.2023, further continuance of the Petitioners in custody is unwarranted.

9. Learned counsel for the State opposes the prayer for bail in view of the criminal antecedent of the Petitioners and there has been seizure from them in the case at hand.

10. Taking into account the nature of accusation and filing of the charge sheet and release of the co-accused, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

11. Additionally, it is directed that the Petitioners shall appear before the jurisdictional police station twice 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 learned Court in seisin.

12. Accordingly, the BLAPLs stand disposed of.

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

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