

(2023) 06 OHC CK 0059

In the Orissa High Court

Case No : Bail Application No. 6216 Of 2023

Khaja @ Kanhu Mallick

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 13-06-2023

Acts Referred:

Indian Penal Code, 1860 — Section 395, 398
Arms Act, 1959 — Section 25, 27

Citation : (2023) 06 OHC CK 0059

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : D.Behury

Final Decision : Disposed Of

Judgement

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 06.02.2023 in connection with C.T. Case No. 20 of 2023 arising out of Berhampur P.S Case No. 02 of 2023 pending in the Court of learned S.D.J.M., Nilgiri for alleged offence under Sections 395/398 of IPC. read with Section 25 & 27 of Arms Act, 1959.
4. It is alleged that he along with some other persons entered into the bank ATM being armed with deadly weapons like Bhujali and Gun, assaulted the person in charge of the ATM and committed Dacoity by taking a cash of Rs. 3,00,000/-. It is submitted that the petitioner was remanded in this case entirely on the basis of the confessional statement of the co-accused and there is no independent material against him.
5. Learned Additional Standing counsel has opposed the prayer for bail by stating

that the petitioner is a habitual offender having 4 criminal antecedents.

6. Considering the rival submissions, materials on record and the period of detention in custody as also the absence of independent material to show the complicity of the petitioner in the occurrence, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall appear before the IIC of Berhampur Police Station in Balasore district on every Sunday at 10 a.m. till conclusion of trial and such fact shall be certified by the IIC to the concerned Court in every month.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

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