

(2024) 02 OHC CK 0195

In the Orissa High Court

Case No : Bail Application No. 952 Of 2024

Suryakanta Swain @ Surya

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 21-02-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 286, 294, 353, 386, 387, 506
Explosive Substances Act, 1908 — Section 4, 5
Explosives Act 1884 — Section 9(B)(1)(b)
Arms Act, 1959 — Section 25, 27

Citation : (2024) 02 OHC CK 0195

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Samarendra Mohanty, S.S.Mohapatra

Final Decision : Dismissed

Judgement

Savitri Ratho, J

1. This application under Section 439 of the Cr.P.C. has been filed in connection with Jagatsinghpur P.S. Case No.716 of 2023 corresponding to C.T. Case No.21 of 2024 in the Court of the learned Sessions Judge, Jagatsinghpur where the petitioner is facing trial for commission of offences punishable under Sections 294, 506, 353, 386, 387, 286 of IPC read with Section 25 and 27 of the Arms Act, Section 4/5 of the Explosive Substance Act and Section 9(B)(1) (b) of the Explosive Act.

2. The prayer for bail of the petitioner has been rejected on 29.01.2024 by the learned Sessions Judge, Jagatsinghpur.

3. Mr.Samarendra Mohanty, learned counsel for the petitioner submits that the petitioner is in custody since 09.11.2023 and in the meanwhile, the case has been committed and posted for trial. On 19.01.2024, as no witness appeared, the case has been adjourned. He further submits that false allegations have been

made against the petitioner by the police as he has some criminal antecedents. Three days before the Diwali, i.e., on 12.11.2023 the petitioner was found carrying bombs and crackers in his vehicle meant for Diwali and he has been arrested on the allegation that he was using bombs and country made pistol for extortion of money from the truck drivers from the road. He also submits that as the case is posted for trial, the petitioner may be released on bail.

4. Mr.S.S.Mohapatra, learned Addl. Standing Counsel opposes the prayer for bail stating that from the rejection order it is apparent that the petitioner has 12 criminal antecedents and in view of nature of allegations against the petitioner and recovery of a country made pistol alongwith 08 live bombs apart from five crackers from the car, he should not be released on bail. More so, as the case is posted for trial, he is likely to threaten the witnesses if he is released on bail.

5. Considering the nature of materials against the petitioner, recovery of a country made pistol and live bombs from his possession and as the case is posted for trial, I am not inclined to release the petitioner on bail.

6. The BLAPL is accordingly dismissed.

7. It is open for the petitioner to move for bail afresh if there is delay in completion of trial.

8. Urgent certified copy of this order be granted on proper application.

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