

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 7514 of 2022**

***Kalu Charan Parida***

....

***Petitioner***

Mr. S.K. Jena, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. P.K. Maharaj, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**27.09.2022**

**Order No.**

**02.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.792 of 2022 pending in the file of learned J.M.F.C. Khallikote, arising out of Khallikote P.S. Case No.334 of 2022, offence under Sections 452/307/324/326/506/34 of IPC read with Section 25(1-B)(a) and 27 of the Arms Act and is in custody since 21.06.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Khallikote by order dated 06.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that even if the entire allegation is accepted at its face value in terms of the role ascribed to the petitioner offence under Section 120-

B/109/34 of IPC would be made out. In as much as it is stated that the gunshot injuries suffered by the injured Biren Dalei is attributed to one Suraj Dalei, who is not the petitioner before this Court.

6. It is further submitted on instruction that the petitioner is the first offender.

7. Learned counsel for the State placing reliance on the statement of Dhambu Dalei submits that there are materials on record which clearly point to the role played by the petitioner and he ought not to be released on bail pending submission of final form.

8. Taking into account that the petitioner is in custody since 21.06.2022 and that the overt act of firing is attributed to Suraj Dalei as noted, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has any criminal antecedent this order shall stands recalled.

10. Additionally, it is directed that the petitioner shall appear before the Investigating Officer once every week till submission of final form.

11. Accordingly, the BLAPL stands disposed of.

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

**(V. NARASINGH)**  
**Judge**