

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7205 of 2021

Rafik Ansari

.... ***Petitioner***
Mr. D. Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
10.03.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with C.T. No.2275 of 2019 arising out of Brajarajnagar P.S. Case No.263 of 2019 pending in the court of learned C.J.M.-cum-Assistant Sessions Judge, Jharsuguda for commission of offence under Sections 353/332/307/34 of the Indian Penal Code read with Sections 25 and 27 of the Arms Act.
4. It is alleged in the F.I.R. that on receipt of a reliable information, while the Inspector in charge of Lakhanpur P.S. along with staffs were proceeding to Madhupur Jungle for apprehension of the accused involved in Brajarajnagar P.S. Case No.262 of 2019 for the offence under Sections 302/120-B of the Indian Penal and Sections 25 and 27 of the Arms Act, they came across all the accused persons including the petitioner coming from the opposite site in two

motor cycles. The Police tried to stop them but they did not obey their signal. Rather for hiding themselves all the accused persons started firing from their gun towards the Police team as a result of which, one police staff sustained gun shot injuries on his left hand. In exchange firing of the Police, all the accused persons including the petitioner sustained injuries on their legs and fell down. Thereafter, the Police arrested them. It is further alleged that the petitioner is also involved in Jharsuguda P.S. Case No.180 of 2019.

5. Learned counsel for the petitioner submits that there is no evidence to prove that the petitioner has fired from the revolver at the Police personnel nor any fire arm has been recovered from the possession of the present petitioner. It is further submitted that the petitioner was only present at the spot and he had never tried to escape from the spot. When he wanted to surrender, the Police did not allow him to surrender rather fired to his leg, as result of which, he sustained bullet injury in his leg. In the meantime, the charge sheet has been submitted and the case has been committed to the court of Sessions. The petitioner is in custody since 06.11.2019.

6. Learned counsel for the State vehemently objects to the prayer of the bail application.

7. Considering the submissions made, facts and circumstances of the case as well as the period of detention of the petitioner, it is directed that the petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the learned court in seisin over the matter with further conditions that:-

- I. the petitioner shall appear before the learned trial court on each date of posting of the case;
- II. he shall not indulge in any criminal offence

while on bail;

III. he shall not tamper the evidence of the prosecution witnesses in any manner; and

IV. he shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial; and

8. Violation of any of the conditions shall entail cancellation of the bail.

9. The BLAPL is accordingly disposed of.

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

(*A.K. Mohapatra*)
Judge

Jagabandhu

