

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7315 of 2021

Tukuna Swain

.... ***Petitioner***
Mr.P.S.Nayak, *Advocate*

-versus-

State of Odisha

.... ***Opposite Party***
Mr .M.K.Mohanty, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.02.2022

Order No.

3. 1. This matter is taken up through Hybrid Arrangement (virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Choudwar P.S.Case No.594 of 2020, corresponding to G.R.Case No.2825 of 2020, pending in the Court of the learned J.M.F.C.(R), Cuttack for alleged commission of offence under Section 25(1-A) 25(1-AA) of Arms Act.
4. Learned counsel for the Petitioner submits that in the meantime charge sheet has already been submitted under Section 25 (1) B of the Arms Act. The punishment as provided in the Statute for the offence under Section 25(1) B of the Arms Act is two years which may extend to five years and shall also be liable to pay fine. It is further submitted by the learned counsel for the Petitioner that the

Petitioner is in custody since 30.05.2021. It is his further submission that although the Petitioner has been entangled in many cases, in most of the cases he has been released on bail and is facing trial.

5. Learned counsel appearing for the State vehemently opposes the prayer for bail of the Petitioner considering the criminal antecedents against the present petitioner

6. Having heard learned counsel for the respective parties and taking into consideration the custodial detention of the Petitioner and the punishment prescribed for the offence under Section 25(1) B of the Arms Act, I am inclined to release the Petitioner on bail in the above case, on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- i) the Petitioner shall not indulge in similar type of offence
- ii) shall appear before the concerned Police Station once in a week preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of the trial;
- iii) shall not leave the jurisdiction of the Court without prior permission of the trial court;
- iv) shall not make any attempt to tamper with the evidence of the prosecution evidence or threaten or influence the prosecution witnesses.
- v) shall cooperate with the trial and shall appear before the trial court on each date of trial.
- vi) Violation of any of the conditions shall entail cancellation of bail.

6. Further, it is open to the court in seisin over the matter to impose any additional condition (s), if situation so warrants.

7. The BLAPL is accordingly disposed of.
8. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

