

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8465 of 2022

Papun @ Swagat Biswal

....

Petitioner

Mr. P.K. Kundu, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

15.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in G.R. Case No.251 of 2022, pending in the file of learned J.M.F.C., Niali, arising out of Niali P.S. Case No.281 of 2022, for commission of alleged offences under Sections 394 of IPC read with Section 25 and 27 of the Arms Act and is in custody since 17.07.2022.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge (Vigilance), Cuttack by order dated 24.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that the petitioner is in custody since 17.07.2022 and charge sheet has been filed on 11.11.2022.

5. On the basis of the recitals in the Case Diary learned counsel for the petitioner submits that the basis of implication is on account of statement of the co-accused namely Sagar @ Ansuman

Apat and as charge sheet has already been filed, he may be released on bail.

6. On instruction, learned counsel for the petitioner submits that the petitioner has one criminal antecedent in as much as he is the co-accused in Balipatna P.S. case No.182 of 5.7. 2022.

7. Learned counsel for the State relying on the order of rejection submits that as the petitioner has more than one criminal antecedent, he ought not to be released on bail.

8. Considering the basis of implication as stated, filing of charge sheet, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

9. Additionally, it is directed that before releasing the learned Court in seisin shall verify as to whether petitioner is involved in any other case apart from Balipatna P.S. case No.182 of 5.7.2022, as stated. In the event it comes to the fore that the petitioner is an accused in any other case, this order shall stand recalled.

10. Further the petitioner is directed, in the event of release, to appear before the jurisdictional police station once every week on such date and time be fixed by the learned Court in seisin till conclusion of trial.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge