

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9405 of 2022

Aslam Hussain and others

....

Petitioners

Mr. B.N. Mohapatra, Advocate

Mr. A.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

01.12.2022

Order No.

03.

1. Heard Mr. B.N. Mohapatra, learned counsel for the petitioner Nos.1,3 and 5 and Mr. A.K. Jena, learned counsel for the petitioner Nos.2 and 4 and learned counsel for the State.

2. The petitioners are accused in C.T. Case No.1352 of 2022, pending in the file of learned JMFC, Chandikhole arising out of Dharmasala P.R. Case No.485 of 2022, for commission of alleged offences under Sections 120(B)/457/380/465/471/109/201/34 of IPC read with Section 25 of the Arms Act.

3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Asst. Sessions Judge, Chandikhole by order dated 21.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that the petitioners are in custody since 02.09.2022 and charge sheet has already been filed 31.10.2022.

5. It is submitted on instruction that sum of Rs.3,68,000/- out of total amount of Rs.5,67,500/- has been recovered during the course of investigation.
6. It is further submitted by the counsel for the petitioners that they were implicated in the case at hand on the basis of the confession of the co-accused, hence further continuance of the petitioners in custody is not warranted.
7. Learned counsel for the State refutes such submission.
8. Considering that the charge sheet has been filed and there has been recovery of substantial amount, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.
9. Keeping in view their criminal proclivity, it is directed that they shall not leave the jurisdiction of the learned Court in seisin without its express permission.
10. It is further directed that they shall appear before the jurisdictional police station once every week on such date and time to be fixed by the learned Court in seisin till conclusion of trial. Certification of such appearance shall be submitted before the learned Court in seisin.
11. Additionally, it is directed that the petitioners shall furnish property security to the tune of Rs.5 lakh to the satisfaction of the learned Court in seisin.
12. Accordingly, the BLAPL stands disposed of.
13. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge