

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9568 of 2022

Kabuli @ Sahadev Jena

....

Petitioner

Mr. A. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.11.2022

Order No.

03.

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 connection with G.R. Case No.356 of 2022, pending on the file of the learned S.D.J.M., Nayagarh, arising out of Nayagarh P.S. Case No.84 of 2022, for alleged commission of offences under Sections 399/402 of IPC read with Section 27 of the Arms Act and read with Section 4 & 5 of Explosive Substance Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Nayagarh, by order dated 20.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 15.07.2022 and charge-sheet has

already been filed on 22.09.2022, his further continuance of in custody is unwarranted and more so when the petitioner was not apprehended at the spot and the implication is on the ground of the co-accused statement.

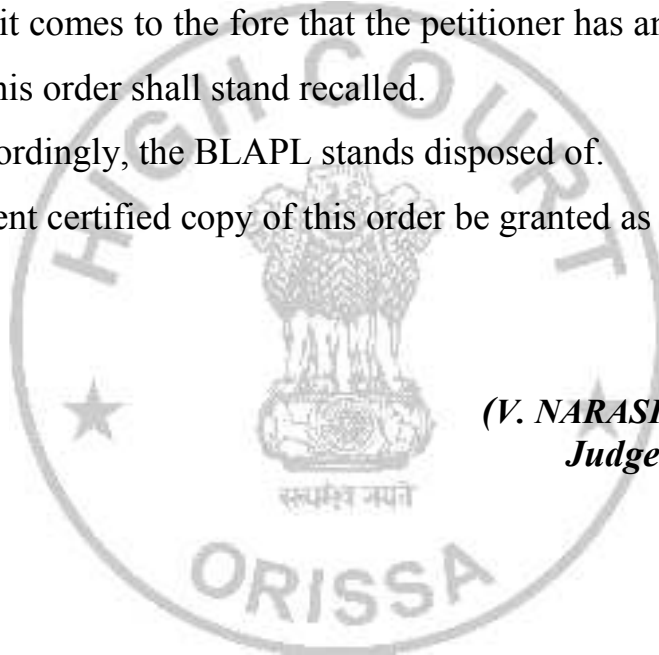
6. Taking into account such assertion, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

7. While releasing the petitioner on bail, the learned court in seisin over the matter shall verify criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent, this order shall stand recalled.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted as per rule.

Ayesha



(V. NARASINGH)
Judge