

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9751 of 2022

Mirza Hamsar Baig & Another

Petitioners

Mr. K.K. Rout, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

28.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. The petitioners are accused in connection with C.T. Case No.193 of 2022, pending in the file of the learned J.M.F.C., Rasgovindpur, arising out of Rasgovindpur P.S. Case No.0199 of 2022, for alleged commission of offences under Section 395 of IPC read with Section 25 & 27 of Arms Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 1st Additional District & Sessions Judge, Baripada, by order dated 22.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioners are in custody since 01.09.2022 and since investigation has progressed substantially and also substantial recovery to the tune of

about Rs.70,000/-(Rupees seventy thousand) out of total amount of involved i.e. Rs.1,01,860/-(Rupees one lakh one thousand eight hundred sixty) and the petitioners being the first offenders, their further continuance in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that during the currency of investigation, the petitioners ought not to be released on bail, taking into account the nature of allegations.

7. Considering the recovery and the progress in investigation, 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.

8. While releasing the petitioners on bail, learned Court below shall verify assertion regarding the criminal antecedent of the petitioners. If it comes to the fore that the petitioners have any criminal antecedent, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha