

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9913 of 2022

Bhaja Singh and another

....

Petitioners

Mr. S. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

27.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in C.T. Case No.369 of 2022, pending in the file of learned S.D.J.M., Udala, arising out of Udala P.S. Case No.125 of 2022, offence under Sections 323/307/353/333/34 of IPC and under Section 25/27 of the Arms Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Baripada by order dated 23.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioners that they are in custody since 13.05.2022 and as charge sheet has already been filed on 21.08.2022 and that they are the first offender, they may be released on bail.

6. Learned counsel for the State opposes the prayer for bail submitting that the petitioner tried to fire at the forest guard who was preventing the petitioner from hunting the barking deer in a Tiger Reserve.

7. Considering the period of custody and filing of charge sheet and as the petitioners are first offenders as stated, 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. Additionally it is directed that they shall appear before the jurisdictional police station once every week till the conclusion of trial.

9. While enlarging the petitioners on bail the learned court below shall verify assertion regarding their criminal proclivity. If it comes to the fore that the petitioners have any criminal antecedent this order shall stand recalled.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge