

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10100 of 2022

Debasish Sahoo

....

Petitioner

Mr. S.R. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.11.2022

Order No.

01.

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.1183 of 2022, pending before the learned J.M.F.C.(City), Cuttack, arising out of Badambadi P.S. Case No.266 of 2022, for alleged commission of offences under Section 25(1) (a)/25(1-A) of the Arms Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Cuttack, by order dated 12.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. Placing reliance on the release of the co-accused by order dated 28.09.2022 in BLAPL No.9196 of 2022, the petitioner seeks

release inter alia on the ground that the petitioner is the first offender.

7. Learned counsel for the State submits that in view of the recovery of one country made revolver from the petitioner, the petitioner ought not to be released on bail at this stage.

8. Taking into account the release of the co-accused and the age of the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

9. Additionally, it is directed that the petitioner shall appear before the Investigating Officer, on such date and time to be fixed by the learned Court in seisin over the matter, till the conclusion of trial.

10. While releasing the petitioner on bail, the learned Court below shall verify the criminal antecedent of the petitioner. If it comes to the fore that the petitioner has any criminal antecedent, this order shall stand recalled without any further reference to this Court.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha