

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9038 of 2021

Gudu Harijan and another ***Petitioners***

Mr. T.K.Mishra,
Advocate

-versus-

State of Odisha ***Opposite Party***

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.01.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. T.K.Mishra, learned counsel for the Petitioners and Mr. P.Tripathy, learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 31st August 2021 in connection with Orkel P.S. Case No.158/2021 corresponding to G.R. Case No.757/2021 pending in the court of learned S.D.J.M., Malkangiri for the alleged commission of the offence under Section 399/402 of IPC.

4. The prosecution allegation is that on 31st August, 2021 while the staff of Orkel P.S. were performing day patrolling duty they received information that some antisocial elements had assembled near village Hatiamba with deadly weapons and were preparing to commit dacoity. Thereafter, the police party reached the spot and apprehended the culprits.

5. Learned counsel for the Petitioners submits that there are no criminal antecedents of the Petitioners and that they had assembled peacefully. The allegation of recovery of deadly weapons from the possession of the Petitioners is entirely false and baseless.

6. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that there is no reason to doubt the seizure prepared by the I.O. which shows seizure of deadly weapons such as, iron chain, knife etc. from the possession of the Petitioners.

7. Having regard to the submissions made, the materials on record and the period of detention already undergone, I am inclined to allow the Petitioners on bail.

8. Let the Petitioners- Gudu Harijan and B.Srinivas Rao be released on bail in the aforesaid case on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that they shall appear before the

I.I.C. of Orkel P.S. on every Monday at 10.30 A.M. till submission of charge sheet.

9. The BLAPL is disposed of.

10. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

