

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10199 of 2022

Rakesh Bisoyi & another

....

Petitioners

Mr.G.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

04.11.2022

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 connection with G.R. Case No.1285 of 2022, pending on the file of the learned S.D.J.M., Bhanjanagar, arising out of Gangapur P.S Case No.370 of 2022, for the alleged commission of offence under Sections 392/398/394/427/294/506/34 IPC and Sections 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 Addl. Sessions Judge, Bhanjanagar by order dated 30.09.2022, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioners that the Petitioners are in custody since 30.08.2022 and as the

charge sheet has been filed on 31.10.2022, their further continuance in custody is unwarranted. It is also submitted that the Petitioner is the similarly circumstanced with one Bholanath Swain, who has since been released on bail by order dated 27.10.2022 in BLAPL No.9885 of 2022. Learned counsel for the Petitioners further submits that the Petitioners are the first offenders.

6. Learned counsel for the State opposes the prayer for bail of the Petitioners since there are materials on record to show that country made fire arm has been recovered from the Petitioners.

7. Taking into account the filing of the charge sheet and release of the co-accused, 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. Learned Court in seisin over the matter shall verify the criminal antecedents of similar nature. If it comes to the fore that the Petitioners have any such criminal antecedent, this order shall stand recalled.

9. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS