

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9653 of 2021

Barun Samantaray @ Bubu & Anr. Petitioners

Mr. S.K. Samantaray, Advocate

- Versus -

State of Odisha Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
25.03.2022**

**Order No.
3.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 04.08.2021 in connection with Baghamari P.S. Case No.55 of 2021 corresponding to G.R. Case No.862 of 2021 pending in the Court of learned S.D.J.M., Khurda for the alleged commission of offence under Sections 394/397 of IPC read with Section 25 & 27 of Arms Act.
4. It is alleged that the petitioners being associated with other three persons committed dacoity in the house of the informant and also fired at him causing grievous injuries. It is submitted by learned counsel for the petitioners that the allegation of firing from the gun is not against the present petitioners and that the only allegation against the petitioners is that they had allegedly participated in the crime. It is further submitted that except for the

disclosure statement under Section 27 of the Indian Evidence Act, there is no other material to show their involvement in the occurrence.

5. Having regard to the submissions, materials on record, the period of detention in custody and the fact that charge sheet has already been submitted in the case, I am inclined to allow the prayer for bail. Let the petitioners be released on bail on such terms and conditions as the Court in seisin over the matter may deem fit and proper to impose including the condition that they shall personally appear before the trial Court on each date of posting of the case and in case of even a single default, the Court below shall pass appropriate orders to take them to custody again. Further they shall personally appear before the IIC of Baghamari Police Station once in every fortnight for a period of six months and such fact shall be certified by the IIC to the concerned Court once in every month.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana