

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10007 of 2021

Suresh Sabar

...

Petitioner

Mr. A.K. Sahoo, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. P. Tripathy,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.01.2022

Order No.

1.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel.
3. The petitioner is in custody since 25.09.2021 in connection with Barkote P.S. Case No.308 of 2021 corresponding to C.T. Case No.604 of 2021 of the Court of learned S.D.J.M., Deogarh for the alleged commission of offence under Section 25(1-A) of the Arms Act read with Sections 4 and 5 of the Explosive Substances Act, 1908.
4. The allegation is that the petitioner along with some other persons being armed with deadly weapons was attempting to commit a forest offence inside the Talabila jungle where they were apprehended. It is submitted that all the co-accused persons have already been released on bail by learned Court below and the present petitioner is the only person who was denied bail only on the ground that he has some criminal antecedents.

5. Learned Addl. Standing Counsel also opposes the prayer for bail by submitting that the petitioner is a habitual offender and if he is released on bail, he may commit the same crime.

6. Having considered the rival submissions, the materials on record, the period of detention already undergone and the fact that charge sheet has already been submitted coupled with the fact that all other co-accused persons, who stand on the same footing, have already been released on bail, I find no justified reason to treat the petitioner differently than them. Let the petitioner 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 he shall personally appear before the trial court on each date of posting of the case.

7. BLAPL is accordingly disposed of.

8. As the restrictions due to resurgence of Covid-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No. 4587, dated 25th March, 2020, modified by Notice No. 4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

(Sashikanta Mishra)
Judge