

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO. 16566 of 2021

***Bhajaram Swain &
another***

....

***Petitioners
Mr.G.K.Nayak, Adv.***

-versus-

State of Odisha

***....Opposite Party
Mr.G.Mohapatra, SC***

**CORAM:
JUSTICE S.K. PANIGRAHI**

**Order
No.**

**ORDER
12.04.2022**

- 02.
1. This matter is taken up by virtual mode.
 2. Heard learned counsel for the petitioners and learned counsel for the State.
 3. The petitioners herein are apprehending arrest in G.R. Case No.1114 of 2020 arising out of Aska P.S. Case No.634 of 2020 on the file of learned JMFC, Aska for commission of offences under Sections 399/402 of the Indian Penal Code read with Section 25(1-B)(a) of the Arms Act and Sections 4 and 5 of the Explosive Substances Act.
 4. It is alleged in the F.I.R. that on 29.11.2020 while the informant along his staff was performing night patrolling duty, on receiving a telephonic information that a group of persons have assembled at Dashanpalli rest shed with deadly weapons to commit dacoit on the highway. Thereafter when they proceeded to that place, on seeing the police team some accused persons fled from the spot but eight of them were caught red handed. On being searched, the Police recovered bombs, knife and alcohol bottles from their

possession which were to be used in commission of alleged offence.

5. It is pertinent to mention here that the petitioners had also earlier moved a bail application vide ABLAPL No. 5402 of 2021 before this Court which was disposed of with a direction to the petitioners to move before the learned Sessions Court for anticipatory bail. But, the learned Additional Sessions Judge, Aska, Ganjam has rejected the bail application of the petitioners on the ground that the petitioners are involved in some other cases which are still pending against them.

5. Learned counsel for the petitioners submits that some of the co-accused, who are similarly situated with the petitioners, have already been enlarged on bail but the bail application of the petitioners was not considered.

6. Learned counsel for the State submits that the petitioners have numerous criminal antecedents and even they have absconded from the date of occurrence and still they are at large.

7. In view of the above submissions made and taking into account of gravity of the offence as well as long abscondance from the course of justice, it is directed that if the petitioners shall surrender before the court in seisin of the matter in the aforesaid case within a period of four weeks and move for bail, the same shall be considered by the said court on its own merit in accordance with law.

8. The ABLAPL is accordingly disposed of.
9. Issue urgent certified copy of the order as per Rules.

(S.K.Panigrahi)
Judge

LB

