IN THE HIGH COURT OF ORISSA AT CUTTACK BLAPL No.3245 of 2021

Dinabandhu Das @ Dash Petitioner

Ms. L. Sharma, Advocate

-versus-

State of Odisha

. Opp. Party

Mr. P.K. Mohanty, Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER 07.09.2021

Order No.

O3. This matter is taken up through Hybric Arrangement (Video Conferencing/Physical Mode).

Heard learned counsel for the petitioner and learned counsel for the State.

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This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Sukinda P.S. Case No.203 of 2020 corresponding to C.T. Case No.1779 of 2020 pending in the Court of learned J.M.F.C., Jajpur Road for offences punishable under sections 458/395 of the Indian Penal Code read with section 25 of the Arms Act and section 3 of the Explosive Substances Act.

The petitioner moved an application for bail before the learned Additional Sessions Judge, Jajpur Road which was rejected on 15.04.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 10.12.2020 and he has been charge sheeted under sections 458/395 of the Indian Penal Code read with section 25 of the Arms Act and section 3 of the Explosive Substances Act and the F.I.R. has been lodged against unknown persons and one co-accused Sumanta Sahu has been released on bail and from the petitioner, there has been recovery of cash of Rs.40,000/- (rupees forty thousand) and some gold ornaments and therefore, the bail application of the petitioner may be favourably considered since he is having no criminal antecedent.

Learned counsel for the State, on the other hand, opposed the prayer for bail and submitted that co-accused Sumanta Sahu, who has been released on bail has not been identified in the test identification parade whereas the petitioner has been identified in the test identification parade.

Considering the submissions made by the learned counsel for the respective parties, since the petitioner has been identified in the test identification parade, at this stage, while not inclining to release the petitioner on bail, but taking into account the period of detention

of the petitioner in judicial custody, I direct the learned J.M.F.C., Jajpur Road to take expedite steps for commitment of the case to the Court of Session, if there is no other impediment and after commitment, the learned trial Court shall take expedite steps for framing of charge and at the first instance, examine the identifying witnesses. The petitioner is at liberty to renew his prayer for bail after examination of the identifying witnesses in the trial Court.

The BLAPL is accordingly disposed of.

A copy of the order be communicated to the learned Magistrate for compliance.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge
सम्प्रमेव जयते

RKM