

03/26.11.2024 The learned counsel for the accused petitioner has filed a application under section-483 of BNSS seeking release of the petitioner namely Mukesh Sahu on bail. Further, a certificate has been appended in the petition to the effect that no such bail application is pending before the Hon'ble High Court of Orissa, Cuttack or any other Court. Copy of the petition has been served on the Addl. P.P.

 The learned Addl.PP appearing for the State and learned counsel for the petitioner are present.

 Heard both the sides on point of bail.

 The allegation is made that the informant has lodged a written report before the IIC of Kabisuryangar PS alleging that on 10.07.2024 at about 4 PM he found his son was lying on the ground after receiving a bullet injury on his head. On being asked the injured son disclosed that the persons namely Sudarshan Dalei, Chitrasen Dalei and Bulu Bhola along with other three persons have fired bullet on him. Subsequently, his son died. The informant and other witnesses have stated that the accused Suduru has purchased the alleged gun from these petitioners with a cost of Rs.50,000/-. Basing on the information provided by the accused persons namely Suduru @ Sudarshan Dalei and Bulu Bhola, the gun which is used as a weapon of offence has been seized by the IO in presence of witnesses. During their confessional statement recorded under section 27 of Evidence Act they have stated that these petitioners sold the gun to them and they have instigated them to commit murder. Though, the aforesaid statement is not admissible as evidence as it amounts to confession by them before the police while they were in custody. However, the materials available against these

petitioners that they have sold the gun to the accused Suduru @ Sudarsan Dalei for which the prima facie evidence is available against them under section 25/27 of Arms Act. There maximum punishment under section 25(1)(a) of Arms Act is prescribed for imprisonment up to life. The above occurrence arose out of an incident regarding collection of money. Prior to this occurrence the above named persons have gave threat to kill him.

The learned counsel appearing for the petitioner has submitted that the investigation of this case is already completed and considering the allegation leveled against the petitioner, he may be released on bail. The learned Addl.P.P objected this bail application.

On perusal of record it is seen that after completion of investigation the charge sheet has been submitted against six accused persons under section 103(1)/3 (5)/249(a)/61(2) of BNS read with section 25(1)(a)/27 of Arms Act. Accordingly the cognizance is already been taken.

On perusal of the material available on record it is found that the informant Basudev Mallik in his statement has categorically stated that the other accused Suduru has brought one gun which is weapon of offence from the present petitioner and his friend Sumit Singh around one year back and they all had intention to kill his son. The prima facie allegation is well made against the accused. The maximum punishment prescribed under section 103 (1) BNS is imprison for life or death.

Considering the way of involvement of the petitioner in this case and further considering the nature of allegation I am not inclined to release him on bail. Hence, the petition stands **rejected**.

Send the copy of this order along with the L.C.R. forthwith to the learned J.M.F.C, Kabisuruyangar for information & necessary action.

Typed out to my dictation and corrected by me.

Sd/-

Addl. Dist. & Sessions Judge,
Kodala.