

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.114 OF 2022

***Chiku @ Chinmaya Sekhar
Pradhan***

....

Petitioner

Mr.A.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K. Nayak, AGA.

CORAM:
MR. JUSTICE D.DASH

ORDER
01.02.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. The Petitioner being in custody in connection with Barkote P.S. Case No.165 of 2019 corresponding to S.T. Case No.17/04 of 2020 on the file of the learned Addl. Sessions Judge, Deogarh running for commission of offence under sections 302/120(b)/201 of the IPC, has filed this application under section 439 of the Cr.P.C. for his release on bail in the above mentioned case.
3. Learned Counsel for the Petitioner submits that there is no direct evidence to connect this Petitioner with the incident; wherein the three persons (mother and two children) have been murdered. He further submits that when it is stated that this Petitioner and the husband of the deceased lady namely, Bikram hatching the conspiracy have finally executed the plan in causing the death of the three, no such material on record had

surfaced in support of the same. He further submits that accused Bikram who is the principal accused in the case being arrested is in custody and in the meantime investigation of the case is also complete. In view of all these above, when there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence; he urges for grant of bail to the Petitioner as according to him, further detention of this Petitioner in custody would serve no useful purpose.

4. Learned Counsel for the State submits that the materials on record reveal that this Petitioner was very much present with the husband of the deceased lady during the period and they had also together toiled in causing disappearance of evidence. It is submitted that in the shocking incident where three persons have been brutally killed, that too by bringing them to the place giving them the belief that everything would henceforth be settled, the release on bail would not be in the interest of justice. She also submits that in the facts and circumstances, the likelihood of tampering the evidence in the event of release of the Petitioner on bail is not ruled out and there is also the flight risk.

4. Taking into account the submissions made; further keeping in view the materials on records those stand against the Petitioner and on going through the order passed by the learned Additional Session Judge; I am not inclined to accept the prayer for grant of bail to the Petitioner.

5. The BLAPL is accordingly dismissed.

6. 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 as modified by Court's Notice No.4798 dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

Narayan



***(D.Dash),
Judge.***