

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.913 of 2022

Chhabhi Bag

....

Petitioner

Mr.Abhijit Das, Adv.

-versus-

State of Odisha

....

Opp. Party

*Mr.G.R. Mohapatra,
ASC*

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER
11.07.2022

Order
No.

01. 1.This matter is taken up through hybrid mode.
2. Heard learned counsel for the parties.
3. The Petitioner is arrayed as accused in connection with C.T. Case No. 41 of 2020, pending in the Court of the learned Addl. Sessions Judge, Bhawanipatna, corresponding to M. Rampur P.S. Case No. 189 of 2019, registered for the alleged commission of offence under Section 302 & 34 of IPC, has filed this petition for his release on bail.
4. The allegation of the prosecution is that on 22.11.2019 night her brother namely Bhupin Bag had been to village Bhalupia to witness Nataka but did not return. On the

same night the petitioner and uncle namely Saila Gahir had also been to Bhalupia by calling her brother from village Goindamunda. On being asked about her brother, the father of the informant stated in presence of village gentries that he would brought him back within five days but he did not bring him. Later the informant came to know that an unknown male dead body was lying near Narsinghpur Chaack. The informant after seeing the dead body could not identify and after seeing the T-shirt suspected that her father, step mother and step brothers have committed murder of her brother.

5. Learned counsel for the petitioner submits that he has been falsely implicated in this case only on the basis of the statement of the co-accused recorded under Section 27 of Indian Evidence Act. Further there is no *prima facie* evidence available to implicate him in the alleged offence. This entire case is borne out of some previous property disputes. Meanwhile, charge sheet has already been submitted and the petitioner has been languishing in custody since 11.04.2020.

6. Learned counsel for the State submits that the petitioner was only the accompished in carrying the dead body as per the statement of the father of the principal accused who stated that he and the present

petitioner carried the dead body to a forsaken place for the purpose of disposing of and then return to their house. The present petitioner was not present at the time of killing of the deceased nor was available anywhere in the house. But he helped his father in carrying the dead body.

7. With regard to the role played by the principal accused and his confessional statement regarding the killing of his own son is that the deceased was in drunken state and misbehaved towards his step mother.

8. Considering the aforesaid submissions, facts of the case and the period of detention, this BLAPL is allowed.

9. Let the petitioner be released on bail in the aforesaid case on such stringent terms and conditions as deemed just fit and proper by the court in seisin over the matter with further conditions that:-

- i. the petitioner shall appear before the learned trial court on each date of posting of the case;
- ii. he shall not indulge himself in any criminal offence while on bail and
- iii. he shall not tamper the evidence of the prosecution evidence in any manner.

10. Accordingly, the BLAPL is disposed of.

11. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)
Judge

SD

