

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1249 of 2022

Babuli Naik

.... ***Petitioner***
M/s.S.P.Dash, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

28.10.2022

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Mahulpali P.S. Case No.103 of 2020 corresponding to S.T. Case No.23 of 2020 pending in the Court of learned Addl. Sessions Judge, Kuchinda for commission of offence punishable U/Ss. 302/498-A of I.P.C.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside the jail custody since 16.07.2020 and there is no eye witness to the occurrence but the petitioner has been falsely implicated in this case for commission of murder of his own wife. It is also submitted that the petitioner was not present at the time of crime and the dead body of the deceased was recovered from the house in absence of the petitioner and this fact would go to suggest that the petitioner was not at all involved in the crime. It is also submitted that the petitioner is a poor driver and he earned his livelihood by driving private vehicle. Learned counsel for the petitioner under aforesaid submissions prays to enlarge the petitioner on bail.
 4. On contrary, learned counsel for the State while opposing the bail application of the petitioner submits that the petitioner was caught red handed by the villagers while fleeing away from the house after

committing the crime and the cause of death of the deceased is due to strangulation and the petitioner being found to have been last seen with the deceased, in all probability there is a prima facie case against the petitioner for commission of murder of his own wife and the petitioner, therefore, is not entitled to bail.

5. Considering the rival submissions advanced on behalf of the parties and the nature and gravity of offence and the allegations levelled against the petitioner for committing murder of his own wife and keeping in view the supporting materials and circumstance of the crime and regard being had to the opinion of the doctor stated in the post mortem report of the deceased, this Court does not consider it proper to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner stands rejected.

6. Since learned counsel for the petitioner submits for expeditious disposal of the case, the learned Court in seisin of the case is requested to expedite the trial.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge