

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1727 of 2022

Rajendra @ Pinku @ Petu Sahu ***Petitioner***
Mr. J.K. Panda, Advocate

-versus-

State of Orissa ***Opp. Party***
Mr. S. R. Roul, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER

24.11.2022

Order No.

07. 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 Manamunda P.S. Case No.92 of 2021 corresponding to C.T. Case No.161 of 2021 pending in the file of learned J.M.F.C., Kantamal for commission of offences punishable U/S. 302/294/506 of the IPC, on the allegation of committing murder of the deceased giving blows by means of an axe.
3. In the course of hearing of the bail application, Mr. B. Karna, learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case, but co-accused persons have already been granted bail. It is further submitted that the Petitioner is inside jail custody since 09.07.2021 and the brawl arises out of civil dispute and even if the materials on record are considered to be true, no offence U/S 302 of IPC is attracted against the Petitioner, rather at best it is a case U/S. 304 Part-II of the IPC. On the aforesaid submissions, learned counsel for the Petitioner prays to enlarge the petitioner on bail.

4. On the contrary, learned counsel for the State by placing the statement of eye witness Narasingha Kheti submits that the Petitioner is the main assailant and the deceased died by the axe blows of the Petitioner and, therefore, the Petitioner should not be allowed to go on bail.

5. Considering the rival submissions made, the nature and gravity of accusations raised against the Petitioner as also the gravity of the offence and regard being hard to the specific allegation against the Petitioner for giving blows by means of an axe and thereby, he cannot be considered to be similar situated with co-accused persons granted bail and further taking into consideration the other circumstance on record in entirety, this Court does not feel it proper to grant bail to the Petitioner.

6. Hence, the bail application of the petitioner stands rejected. The Petitioner may renew his prayer for bail after examination of the eye witness Narasingha Kheti as requested by the learned counsel for the Petitioner.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge