

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2244 of 2022

Bhuban Deep

....

Petitioner

Mr.U. C. Jena, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Manoranjan Mishra,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
08.07.2022**

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

Heard learned counsel for the petitioner and the learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with S.T. Case No.10 of 2021 arising out of Kundheigola P.S. Case No.163 of 2020 pending in the Court of learned Addl. Sessions Judge, Deogarh for alleged commission of offences punishable under section 302 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge,

Deogarh, which was rejected on 08.03.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 14.10.2020 and his earlier bail application in BLAPL No.3103 of 2021 was rejected as per order dated 07.09.2021 and while rejecting the bail application, this Court observed that the petitioner is at liberty to renew the prayer for bail after examination of the material witnesses in the learned trial Court. Learned counsel for the petitioner further submitted that there are no eye witnesses to the occurrence and the case is based on circumstantial evidence. The witness to the extra judicial confession has been examined as P.W.1 who has not supported the prosecution case. It is further submitted that the other three witnesses examined so far in the learned trial Court have also not stated anything against the petitioner and therefore, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State, on the other hand, submitted that at the instance of the petitioner the weapon of offence which was a hammer having blood stain was seized and the stolen ornaments were also seized and the post mortem report indicates that the deceased had

sustained as many as nine injuries on different parts of the body and the cause of death of the deceased was on account of intracranial hemorrhage due to injury of brain. Learned counsel further submitted that since out of forty eight charge sheet witnesses, only four witnesses have been examined, therefore, at this stage, it would not be proper to grant bail to the petitioner.

Learned counsel for the petitioner, on the other hand submitted that the seized ornaments have not been placed in the T.I. parade for identification.

Learned counsel for the State, on the other hand, submitted that there is every possibility of the informant identifying such ornaments in Court while giving his evidence on the evidentiary value of such identification in Court in absence of the earlier T.I. parade, would be decided by the learned trial Court at appropriate stage.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of the accusation against the petitioner and since most of the material witnesses are yet to be examined, at this stage, while not inclining to release the petitioner on bail, I direct the learned Court below to conclude the trial by the end

of December 2022. The petitioner is at liberty to renew his prayer for bail, if the trial is not concluded within the said period.

Accordingly, both the BLAPL are disposed of.

A copy of the order be communicated to the learned trial Court forthwith for compliance.

Issue urgent certified copy of this order on proper application.

(S.K. Sahoo)
Judge



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