

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.2797 of 2022

Elena Wateka

....

Petitioner

Mr. Asit Kumar Jena, Adv.

-versus-

State of Odisha

....

Opp. Party
Mr. D. Mund

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
26.08.2022

02. 1.This matter is taken up through hybrid mode.
2. Heard learned counsel for the parties.
3. The petitioner is in custody in connection with Bandhugaon P.S. Case No. 33 of 2020 corresponding to C.T. Case No. 05 of 2021, pending before the court of learned Additional Sessions Judge, Koraput, registered for the alleged commission of offence under Section 302 of I.P.C. for his release on bail.
4. The brief facts of the case is that one Renga Wateka, Ward Member of lodged an FIR stating therein that on 21.03.2020 the present petitioner of her village had killed

her husband in Kanagaon Mathur Jungle by assaulting him by means of lathi and stone due to previous enmity.

5. Learned counsel for the Petitioner submits that there is no eye-witness to the occurrence. He further contended that the Petitioner is no way connected with the alleged offence but the local police as well as the villagers have made a conspiracy against the Petitioner to entangle him in this case due to previous dispute between the Petitioner and the deceased. There is absolutely no materials available against the petitioner with regard to allegation of murder. He has been apprehended from his house and forwarded to jail custody since 23.03.2020.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner.

7. Considering the nature and gravity of the accusation, character of evidence appearing against the Petitioner, the stringent punishment provided and that there are reasonable grounds for believing that the Petitioner is not guilty of the offence alleged or not likely to commit any such offence, which is not possible to record in this case, the prayer for bail is devoid of merit. Hence, the prayer for bail stands rejected.

8. Accordingly, the BLAPL is rejected.

9. Since it is submitted that out of twenty six prosecution witnesses, eleven witnesses have already been examined

and the trial is in progress, learned trial court is directed to complete the trial within a period of six months if there is no other impediment. Further the petitioner is at liberty to move bail afresh, if the trial is not completed during the aforesaid period.

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

SD



(Dr. S.K. Panigrahi)
Judge