

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3142 of 2022

Ramesh Gouda

....

Petitioner

Mr. R.N. Biswal, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
03.08.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.03 of 2022, on the files of learned S.D.J.M. Gunupur, arising out of Gudari P.S. Case No.01 of 2022, under Sections 302/328 and 34 of IPC and is in custody since 06.01.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Gunupur, by order dated 08.03.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that since the charge sheet has been filed inter alia under Section 306 of IPC, though the FIR was lodged under section 302, seeks release of the petitioner on bail.

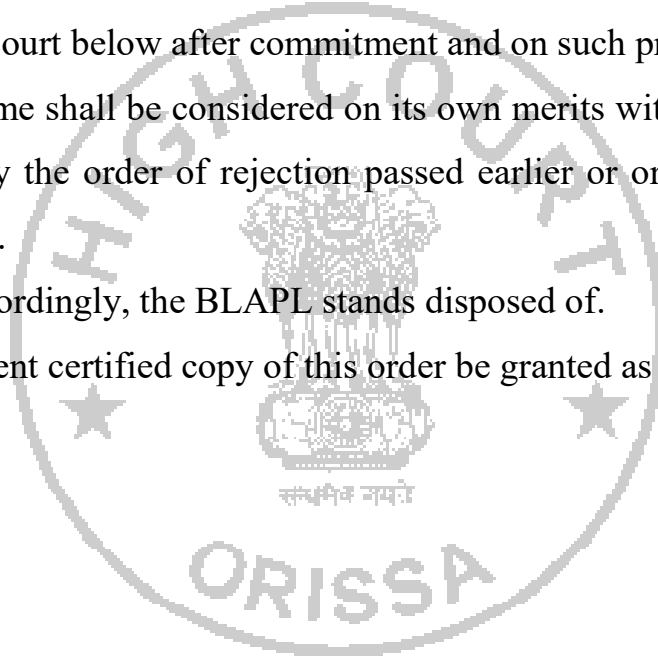
6. Per contra, learned counsel for the State submits on the basis of materials on record that accusation against the petitioner prima facie is established and he being the husband his complicity has to be weighed on a different scale.

7. Taking note of such submissions and keeping in view the allegations as borne out from the record, this Court is not inclined to entertain this application at this stage. Accordingly, the same stands rejected.

8. It shall be open to the petitioner to renew his prayer before the learned Court below after commitment and on such prayer being made, the same shall be considered on its own merits without being influenced by the order of rejection passed earlier or order passed by this Court.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.



(V. NARASINGH)
Judge

Santoshi