

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3351 of 2022

***Deepak Das Panka @ Deepak Das
Panika and another***

....

Petitioners

Mr. J. Khansama, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S.R. Roul, ASC

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
08.12.2022**

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 petitioners for grant of bail in connection with Brajarajnagar P.S. Case No.416 of 2020 corresponding to C.T. Case No.2688 of 2020, which further corresponds to C.T.(Sessions) Case No.14 of 2021 pending in the Court of learned Sessions Judge, Jharsuguda for commission of offences punishable under Section 302 of IPC, on the allegation of committing double murder of his uncle and aunt by hitting on their heads by means of axe and iron pipe and causing disappearance of evidence, along with co-accused persons in furtherance of their common intention.
 3. In the course of hearing of the bail application, Mr. J. Khansama, learned counsel for the petitioners submits that FIR has

been lodged against unknown persons and there is no direct eye witness to the occurrence, but the only materials against the petitioners are their confession and recovery of iron pipe pursuant to their disclosure statement of one of the petitioner and the circumstance never points the guilt of the accused-petitioners convincingly and the petitioners having detained in custody since 17.10.2020, may kindly be enlarged on bail.

4. On the contrary, Mr. S.R. Roul, learned A.S.C. by placing the disclosure statement of the petitioners submits that the petitioners are the perpetrators of the crime and they have killed the deceased couple and, therefore, the petitioners should not be enlarged on bail.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioners as also the gravity of offence alleged and the circumstance in which an elderly couple had been murdered and regard being had to the recovery of iron pipe pursuant to the disclosure statement of the petitioners and taking into consideration the other circumstance in entirety, this Court considers it undesirable to grant bail to the petitioners.

6. Hence, the prayer for bail of the petitioners' stands rejected. Trial be expedited as submitted by learned counsel for the petitioners.

7. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge