

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3392 of 2022

Tupu @ Abhishek Mallia

....

Petitioner

Mr. D. Routray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

17.08.2022

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 C.T. Case No.29 of 2022, on the files of S.D.J.M. Bhubaneswar, arising out of Airfield P.S. Case No.1 of 2022, under Sections 341/294/307/302/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge-cum-Special Judge-cum-Special Judge, Vigilance, Bhubaneswar, by order dated 13.04.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that taking into account that charge sheet has already been filed in the meanwhile there is no further justification in incarcerating the petitioner more so when the nature of allegations is on the basis of confession

alleged to have been made before the police officers which is ex-facie inadmissible.

6. Learned counsel for the State opposes the prayer for bail on the basis of recitals in the Case Diary relying on the statements of one Deepak Ku Nayak.

7. This Court had occasioned to carefully go through the statement of Deepak Ku Nayak which clearly attributes the overt act to the petitioner along with others. There is material on record to show that a wooden plank as a weapon of offence was recovered at the instance of the petitioner in terms of Section 27 of the Evidence Act.

8. The materials on record prima facie establish the complicity of the petitioner in the commission of crime. Hence, this Court is not inclined to entertain this bail application at this stage. The same stands reject.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi