

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3815 of 2022

Biswajit Sandha

Petitioner
....
M/s. J.K.Khuntia, Advocate

-versus-

State of Orissa

Opp. Party
....
M/s.S.S.Pradhan, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

23.11.2022

Order No.

- 06.
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 Petitioner for grant of bail in connection with Balaramgadi P.S. Case No.03 of 2021 corresponding to S.T. Case No.218 of 2021 pending in the Court of learned 3rd Addl. Sessions Judge, Balasore for commission of offence punishable U/Ss. 302/34 of the I.P.C. read with Sections 25/27 of the Arms Act on the allegation that on the relevant date, time and place the petitioner and others killed the deceased Bijay Kumar Pradhan by giving sword blows and firing from pistol.
 3. In the course of hearing of the bail application, Mr.J.K.Khuntia, learned counsel for the petitioner submits that there is no iota of evidence available against the petitioner for committing murder of the deceased and even if the allegations are taken into consideration, no specific role has been attributed against the petitioner either for firing at the deceased or giving any blows by means of any sharp cutting weapon and the petitioner being an innocent person should not be detained any further in jail custody. It is also submitted by learned counsel for the petitioner that co-accused

standing on similar footing has already been granted bail but the present petitioner languishing in judicial custody since 26.03.2021 and trial has already commenced. It is accordingly prayed by him to consider the bail application of the petitioner favourably.

4. On the contrary, learned counsel for the State opposes the bail application of the petitioner vehemently by inter alia submitting that the petitioner is one of the assailants and there is allegation against the petitioner for giving blows on the deceased by means of sword and the petitioner, therefore, should not be enlarged on bail.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner as also the gravity of offence and the fact that there is allegations against the petitioner for assaulting the deceased by means of sword along with co-accused and regard being had to the manner of commission of crime and taking into consideration the number of injuries found on the person of the deceased as per the post mortem report and keeping in view the other circumstance in entirety, this Court does not feel it proper to grant bail to the petitioner.

6. Hence, the prayer for bail of the petitioner stands rejected.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge