

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3976 of 2022

Chakara @ Chakradhar Samal @ Petitioners
Chakradhar Bhoi & another

M/s. B.C.Parija, Advocate

-versus-

State of Orissa

Opp. Party
M/s.P.K.Patnaik, AGA

CORAM:

JUSTICE G. SATAPATHY

ORDER

13.12.2022

Order No.

- 02.
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 Cuttack Sadar P.S. Case No.145 of 2022 corresponding to G.R. Case No.839 of 2022 pending in the Court of learned J.M.F.C.(R), Cuttack for commission of offence punishable U/Ss. 302/34 of the I.P.C. on the allegation of committing murder of the deceased.
 3. In the course of hearing of the bail application, Mr.B.C.Parija, learned counsel for the petitioners submits that the petitioners have been unnecessarily detained in custody since 07.04.2022 and the petitioners are implicated in this case only on the basis of suspicion which arises out of an incident of elopement of daughter of petitioner No.1 with son of the deceased and there is no iota of evidence available against the petitioners for commission of murder of the deceased and thereby, the petitioners being innocent may kindly be enlarged on bail.

4. On the contrary, Mr.P.K.Patnaik, learned counsel for the State submits that prior to the occurrence, the petitioners were also wanted in a case of assault on the deceased and her family members in the matter relating to elopement of daughter of petitioner No.1 and son of the deceased and the deceased was killed by battering a laterite stone on her head and the petitioner Prakash Samal has given recovery of one bill hook pursuant to his disclosure statement and thereby, enough circumstantial evidence is available against the petitioners to make out a prima facie case against them. It is accordingly prayed to reject the bail application of the petitioners.

5. Considering the rival submissions made, taking into consideration the nature and gravity of accusations raised against the petitioners as also the gravity of offence alleged and keeping in view the materials collected by the investigating agency in support of allegations against the petitioners and regard being had to the circumstances available against the petitioners and taking into account the other materials on record in entirety, this Court does not find any merit in the bail of the petitioners.

Hence, the bail application of the petitioners stands rejected.

6. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge