

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 4383 of 2022

Krishna Mohanty @ Krishna
Ku. Mohanty

Petitioner

Mr. S.K. Dash, Adv.

-versus-

State of Odisha.

Opp. Party
State Counsel

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
21.10.2022

03. 1.This matter is taken up through hybrid mode.
2. Heard, learned counsel for the petitioner and the learned counsel for the State.
3. Petitioner being in custody in connection with Rourkela PS Case No.53 of 2018 corresponding to ST Case No.86 of 2018, pending in the court of the learned 1st Additional Sessions Judge, Rourkela, has filed this petition for his release on bail. The offence alleged against him is punishable under Section 307 of the IPC.
4. The allegation of the prosecution, in short, is that one Umakanta Lenka lodged an FIR before the GRP Rourkela

Police Station on 27.05.2018 inter alia, alleging therein that on 24.05.2018 at about 6:30 PM, he along with his friends were moving at Kalunga Railway Station. At that time they heard noise from platform No.2. Immediately they rushed to the spot and found that the petitioner was assaulting on the head of one Kartika Rout by means of a stone. Having seen the informant and others, the accused-petitioner ran away from the spot. The informant and other took the deceased to the police out-post and with the help of 108 ambulance, he was shifted to hospital. On the basis of the FIR, the Rourkela GRP Case No. 53 of 2018 has been registered under Section 307 of the IPC and the Investigating Officer took up the investigation. A copy of the FIR also forwarded to the learned SDJM, Panposh, where GR Case No.861 of 2018 has been registered against the petitioner. In course of investigation, the police found that the deceased succumbed to the injuries during his treatment at hospital for which the case is turned out to be a case under Section 302 of the IPC. The petitioner was arrested by the Investigating Officer on 27.05.2018. The I.O. recorded the statement of the witnesses and visited the spot and after completion of investigation, submitted charge-sheet against the petitioner under Section 302 of the IPC. The learned Magistrate took cognizance of the

offence and since the offences are exclusively triable by the court of Sessions, committed the case to the court of Sessions where ST Case No.86 of 2018 has been registered

5. Learned counsel for the petitioner submits that the petitioner has been languishing in jail custody since 27.05.2018. He further submits that the mother of the petitioner is seriously ill and his presence in his house is very much necessary to take care of the health conditions of his mother. He further submits that the FIR has been lodged after lapse of three days without assigning any reason.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner. He also submits that the IIC, Pattamundai Police Station has intimated a letter to the Advocate General, Odisha, Cuttack vide Letter dated 12.10.2022 stating therein that the mother of the petitioner namely Manorama Mohanty who seems physically fit.

7. Regard being had to the facts and submissions made, especially the nature and gravity of accusation character of supportive materials appearing against the petitioner in support of the charge, circumstances, in which the offence alleged to have been committed and heinousness and seriousness of the offence alleged, I am of the view that the petitioner does not deserve to be released on bail. Hence, his prayer for bail stands rejected.

8. Accordingly, the BLAPL is rejected.

9. Urgent certified copy of this order be granted on proper application.

SD

(Dr. S.K. Panigrahi)
Judge

