

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No. 421 of 2022

Pravanjan Tripathy

.... *Petitioner*
Mr. Mahes Das, Adv.

-versus-

State of Odisha & Anr.

.... *Opposite Parties*
Mr. Arnab Behera, Adv

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
21.10.2022

- 03.
1. This matter is taken up through hybrid arrangement.
 2. Heard.
 3. The appellant has preferred this Criminal Appeal challenging the order dated 12.03.2020 passed by the learned Additional Sessions Judge, Bhanjanagar in Spl. G.R. Case No. 26 of 2018(SC/ST Act), arising out of Tarasing P.S. Case No. 118 of 2018, registered under Sections 302, 201/34 of IPC with Section 3(2)(V) of SC & ST (PA) Act.
 4. The brief fact of the case is that the informant-Opposite Party No.2 alleged that on 28.08.2018 at about 3.P.M. his brother namely Jitendra Pradhan left the house to Bhubaneswar on his avenger bike and thereafter they were in dark about him. There was no response to their

calls to his mobile phone. The motor cycle and the dead body of the deceased was recovered from the Kariamba Jungle. The deceased had been to the appellant to get Rs.50,000/- as his share from the poultry business which they were conducting jointly. He was in love with the sister of the appellant. The appellant was opposing such relationship since the deceased hails from ST community and had ill reputation. Therefore, connived with the co-accused Sesa Muli, he murdered the deceased brother of the informant.

5. Learned counsel for the appellant submits that there is no eye witness and the prosecution story is based on circumstantial evidence. He has no role in commission of crime. Except the co-accused statement, there is no other material against the appellant. The appellant is in custody since 19.09.2018. The appellant stands on the same footing as that of Sesa Muli who has been released on bail vide order dated 30.04.2021 passed in CRLA No.565 of 2020.

6. Learned counsel for the State vehemently opposed the bail of the appellant. He submits that the present appellant does not stand on the same footing as that of Sesa Muli who has been granted bail vide order dated

30.04.2021 passed in the aforesaid CRLA. The present appellant is the main accused.

7. Considering the facts and submissions made, especially the nature and gravity of accusation, conduct of the appellant, character of supportive materials appearing against him in support of the charge, circumstances in which the offence alleged to have been committed and heinousness and seriousness of the offence alleged, this Court is of the view that the appellant does not deserve to be released on bail. Hence, his prayer for bail stands rejected.

8. Accordingly, the CRLA is dismissed.

9. However, the court in *seisin* over the matter is directed to conclude the trial within a period of three months, if there is no other impediment.

10. Needless to say that if the trial is not concluded within the time stipulated, the Petitioner is at liberty to move for bail again.

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

(Dr. S.K. Panigrahi)
Judge