

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5936 of 2019

Daman Rana and another ***Petitioner***

Mr. B.R. Tripathy, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. S.S. Pradhan, AGA

CORAM: JUSTICE V. NARASINGH

ORDER
20.06.2022

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 G.R. Case No.62 of 2018, corresponding to S.T. Case No.46 of 2018, on the files of learned S.D.J.M., Sonapur, arising out of Tarava P.S. Case No.32 of 2018, under Sections 452/341/294/302/34 of IPC and is in custody since 15.03.2018.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Sonapur by order dated 25.06.2019 in the aforementioned case, the present BLAPL has been filed.
5. Petitioners are stated to be in custody since 15.03.2018 and it is submitted at the Bar that no charges have been framed.

6. Learned counsel for the petitioner vehemently submitted referring to the Post-mortem report, the same does not support the prosecution story of the petitioner No.2 attacking with an axe. It is further submitted that in the view of the genesis of the offence no motive can be attributed to the petitioners and since no charge has been framed, they are entitled to be released on bail. And, it is further submitted that so far as Petitioner No.1 is concerned, taking into account his age, he deserves special considerations.

7. Learned counsel for the State places reliance on the statements of Charchita Rana, the wife of the deceased and Gopa Rana and also referred to the post-mortem report and submitted that since overt act is attributed to both the petitioners they are not entitled to be released on bail.

8. Perused the Statement relied upon by the learned counsel for the State and the Post-mortem report. Considering the period of custody and the manner in which the assault has taken place, this Court is not inclined to entertain this application so far as Petitioner No.2 is concerned. Accordingly, the same stands rejected as against Petitioner No.2.

9. Keeping in view the age of the petitioner No.1 and taking note that no charge has been framed petitioner No.1 be released on bail. Learned Court in seisin over the matter to fix the terms.

10. Accordingly, the BLAPL stands disposed of.

(V. NARASINGH)
Judge

Santoshi