

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5242 of 2022

Kunu Bagha @ Bag

.... ***Petitioner***
M/s. S.K.Sahu, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.S.R.Roul, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

29.11.2022

Order No.

- 03.
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 Ainthapali P.S. Case No.184 of 2021 corresponding to S.T. Case No.75 of 2021 pending in the Court of learned Sessions Judge, Sambalpur for commission of offence punishable U/Ss. 302/34 of the I.P.C. on the allegation of killing the deceased with co-accused person in furtherance of their common intention.
 3. In the course of hearing of the bail application, Mr.S.K.Sahu, learned counsel for the petitioner submits that the petitioner has been implicated in this case only on the basis of his confession and there is no other circumstance available against the petitioner to indict him in this case and the petitioner is inside jail custody since 09.04.2021. It is accordingly prayed by learned counsel for the petitioner to grant bail to the petitioner.
 4. On the contrary, Mr.S.R.Roul, learned counsel for the State strongly opposes the bail application of the petitioner and submits that the present petitioner having held the hand of the deceased to

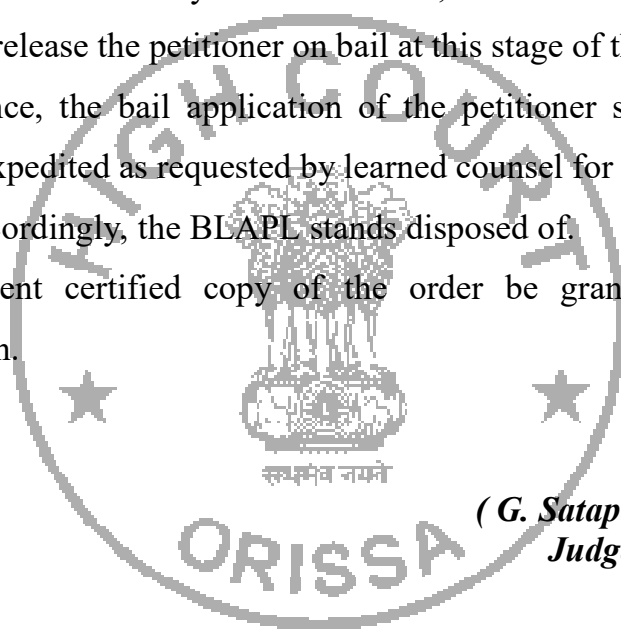
facilitate the co-accused to murder the deceased and, thereby, the petitioner is not entitled to bail.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner as also the offence alleged and taking into consideration the circumstance of commission of crime and the specific allegations raised against the petitioner and further that the trial is yet to commence, this Court does not feel it proper to release the petitioner on bail at this stage of the case.

Hence, the bail application of the petitioner stands rejected. Trial be expedited as requested by learned counsel for the petitioner.

6. Accordingly, the BLAPL stands disposed of.

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



(*G. Satapathy*)
Judge

Kishore