

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6209 of 2022

Tunga @ Jagannath Jena

Petitioner

Mr. U.K. Lenka, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.09.2022

Order No.

02.

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.7 of 2022, pending in the file of learned J.M.F.C., Dhamnagar, arising out of Dhamnagar P.S. Case No.6 of 2022, offence under Sections 302/341/326/307/34 of IPC and is in custody since 10.01.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Bhadrak by order dated 04.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that in the FIR it is stated that the petitioner has assaulted by way of a stick on the hand and leg of the deceased and allegations so far as the petitioner is concerned have been exaggerated in the prosecution report. Hence it is stated that offence under Section 302

of IPC is not attracted so far as the present petitioner is concerned and more so when the allegations are omnibus in nature.

6. Learned counsel for the State relies on the eyewitnesses account of Manas, Diptiranjana Jena and of the wife of the deceased Kamla Jena and opposes the prayer for bail.

7. On perusal of the allegations regarding the manner in which the assault has been made, this Court is not persuaded to hold the petitioner has no role as stated with vehemence by the learned counsel for the petitioner. Hence at this stage, this Court is **not inclined** to entertain this application.

8. Accordingly, the BLAPL stands rejected.

9. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi

