

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6607 of 2022

Purna Chandra Malik

....

Petitioner

Mr. M. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.11.2022

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 connection with S.T. Case No.88 of 2021, pending in the file of learned 3rd Additional Sessions Judge, Balasore, arising out of Soro P.S. Case No.398 of 2020, for alleged commission of offences under Sections 302/201/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Balasore, by order dated 18.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the Case Diary.

6. It is submitted by the learned counsel for the petitioner that the co-accused Gagan Malik who is similarly circumstanced has since been released on bail by order dated 06.09.2021 in BLAPL No.2429 of 2021 and another co-accused Jasoda Malik @ Ghuni was released on bail by order dated 09.03.2022 in BLAPL No.8312 of 2021.

7. It is submitted by the learned counsel for the petitioner that the petitioner is prima facie similarly circumstanced with Gagan Malik.

8. It is submitted with vehemence that there are no eye witnesses and apart from his own confession before the police, which is ex facie not admissible, there are no other incriminating circumstances, hence his further continuance in custody is unwarranted.

9. Learned counsel for the State opposes the prayer for bail inter alia relying on the Section 27 of the Evidence Act of the present petitioner and witnesses of the seizure of the blood stained wearing apparels of the petitioner, namely, Anuj Kumar Sahu and Amarendra Barik and submits that the petitioner is not similarly placed with both the accused person who has since been released on bail, referred to hereinabove.

10. This Court had carefully examined the statement recorded under Section 27 of the Evidence Act of the present petitioner and that of the seizure witnesses of blood stained wearing apparels alleged to be of the petitioner, namely, Anuj Kumar Sahu and Amarendra Barik.

11. On an analysis of the materials on record, this Court is not persuaded to hold that the present petitioner is similiary circumstanced either with Gagan Malik or Jasoda Malik @ Ghuni, Hence, this Court is **not inclined** to consider the bail application of the petitioner.

12. Accordingly, the BLAPL stands disposed of.

(V. NARASINGH)
Judge

Ayesha

