

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6685 of 2022

***Prabhakar @ Karunakar
Behera***

....

Petitioner

Mr. D.K. Sahoo, 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 G.R. Case No.2686 of 2021, pending in the file of learned S.D.J.M., Kendrapara, arising out of Mahakalapada P.S. Case No.193 of 2021, offence under Sections 498-A/306/304-B406 of IPC and Section 4 of the D.P. Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Kendrapara by order dated 07.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 15.04.2022 and as charge sheet has

already been filed on 21.06.2022; his further continuance in custody is not warranted.

6. To fortify his submission that the allegations are omnibus in nature and that in fact the petitioner had no role, he relies on the statement of the father of the deceased Khirod Kumar Dalai and Raj Kishore Behera, the brother-in-law of deceased.

7. Learned counsel for the State opposes the prayer for bail.

8. Considering that the FIR was registered under Section 302 of IPC and post investigation, charge sheet has been filed inter alia under Section 306 of IPC and keeping in view the nature of allegations and the role attributed to the petitioner which has come to the fore from the statement of the father as well as brother in law of the deceased, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge