

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6693 of 2022

Bitu Singh

....

Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, Advocate

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 S.T. Case No.32 of 2022, pending in the file of learned S.D.J.M., Sambalpur, arising out of Khetrampur P.S. Case No.293 of 2021, offence under Sections 302/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Sambalpur by order dated 30.06.2022 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 17.11.2021 and as charge sheet has been filed since 14.03.2022; his further continuance in custody is not warranted.

6. It is submitted by the learned counsel for the petitioner that because of acquaintance of the present petitioner with the deceased Jamuna Deep @ Haripal, the wife of the co-accused Lakhapati Nag, he has been arrayed as an accused.

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

8. It is also submitted by the learned counsel for the petitioner relying on the post mortem report, that death could not be caused due to alleged assault by the present petitioner along with the co-accused.

9. This Court perused the statement placed by the learned counsel for the State, namely, Kiran Singh and Kuni Sahani, who have clearly stated about the assault by both the present petitioner as well as the said Lakhapati Nag and the plea that the same could not have resulted in the death of the deceased, relying on the post mortem report cannot gone into at this stage.

10. Since there is prima facie material to implicate the present petitioner with the alleged offence, this Court is not inclined to entertain this bail application.

11. It shall be open for the petitioner to move the learned Court in seisin after examination of Kiran Singh and Kuni Sahani.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge