

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6942 of 2022

Mohan Charan Jena

....

Petitioner

Mr. K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
16.09.2022

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. Mr. P.K. Mishra submits that he has filed Vakalatnama on behalf of the informant. Registry is requested to trace the same and tag it with the file. Name of Mr. P.K. Mishra be reflected in the file as well as in the cause list.
4. The petitioner is an accused in C.T. Case No.432 of 2022, pending in the file of learned JMFC(R), Balasore arising out of Balasore Sadar P.S. Case No.154 of 2022, offence under Sections 458/394/397/354/354(B)/323/307/109 of IPC is in custody since 22.05.2022.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Presiding Officer Spl. Court (SC & ST), Balasore, by order dated 13.07.2022 in the aforementioned case, the present BLAPL has been filed.

6. Learned counsel for the petitioner submits that the petitioner is in custody since 22.05.2022 and admittedly as charge sheet has already been filed, his further continuance in custody is punitive.

7. It is also submitted with vehemence that even if the entire allegation as stated in the FIR are taken at its face value, no case except one under Section 109 of IPC is made out against the present petitioner.

8. Such submission of the learned counsel for the petitioner is opposed by the learned counsel for the State as well as the informant relying on the recitals in the Case Diary.

9. This Court had occasion to peruse the statement of the injured Pallavi Jena. In the said statement she has vividly described that when the petitioner's son was mercilessly assaulting her, the petitioner was watching from the window and there was no attempt made by the petitioner to prevent his son from committing the offence.

10. Perused the injury report of the victim. Taking into account the manner in which the victim was assaulted and that the petitioner being the father was watching such merciless attack on the victim, a lady aged about 25 years, this Court is not inclined to entertain this bail application at this stage.

11. Accordingly, the BLAPL stands rejected.

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

(V. NARASINGH)
Judge