

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6957 of 2022

Kanha @ Sujit Panda

....

Petitioner

Mr. A. Bhuyan, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

24.11.2022

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 C.T. Case No.99 of 2022 pending on the file of learned Sessions Judge, Bhubaneswar, arising out of Air Field P.S. Case No.01 of 2022, for commission of offence under Sections 341/294/307/302/34 IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Addl. Sessions Judge, Bhubaneswar by order dated 29.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the Petitioner is in custody since 05.01.2022 and as charge sheet has already been filed and considering the manner in which the Petitioner has been implicated, his further incarceration is not necessary.

6. Learned counsel for the State places the statement of two witnesses Sipun Parida and Subash Pati.

7. On perusal of the said eye witnesses, it is clearly borne out that it was a premeditated attack on the deceased and coupled with the fact that there is a discovery of the weapon of offence under Section 27 of the Evidence Act at the instance of the Petitioner. It is also borne out from the record that the Petitioner has been cited as an accused in Lingaraj P.S. Case No.34 of 2021 under Sections 435/323/379/34 IPC and Lingaraj P.S. Case No.86 of 2020 under Section 21(b)/25/29 of the N.D.P.S Act.

8. On conspectus of the materials on record, this Court is not inclined to entertain this application.

9. Accordingly, BLAPL stands rejected.

(V. NARASINGH)
Judge

PKS

