

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7010 of 2022

***Mana @ Manu @ Manoranjan
Dakua***

Petitioner

Mr. M.K. Mohapatro, 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 connection with G.R. Case No.1016 of 2022, pending in the Court of the learned Additional Sessions Judge, Talcher, arising out of Kaniha P.S. Case No.115 of 2022, for alleged commission of offences under Section 302 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Talcher, by order dated 05.07.2022 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 22.06.2022 and since charge-sheet has already

been filed, further continuance of the petitioner in custody is unwarranted.

6. It is submitted that the basis of implication is only on account of co-accused statement Bapuji Sahu and there is no other material to connect the petitioner with the crime.

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

8. This Court had occasion to peruse the statement of the petitioner recorded under Section 27 of the Evidence Act, which led to the recovery of the cloth with which the deceased was struck to death.

9. Taking into account the statement of witnesses and statement of the petitioner recorded under Section 27 of the Evidence Act, this Court is not persuaded to hold that there are no other materials to implicate the petitioner and the sole basis is co-accused statement as urged.

10. Considering the same, this Court **not inclined** to consider the bail application of the petitioner at this stage.

11. Accordingly, the BLAPL stands disposed of.

(V. NARASINGH)
Judge

Ayesha