

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7049 of 2022

Suklal Munda

....

Petitioner

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

05.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.1430 of 2021, pending in the file of learned Additional Sessions Judge, Sundargarh, arising out of Hemgiri P.S. Case No.226 of 2021, for commission of alleged offences under Sections 302 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Sundargarh by order dated 20.05.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 08.09.2021 and as charge sheet has already been filed on 19.09.2021, his further continuance in custody is not warranted.

5. It is submitted that there are no eye-witnesses. The accusation is based on the statement of co-accused. There are no materials such as CDR to link the petitioner with the alleged crime.

6. Learned counsel for the petitioner also relies on the orders passed by this Court in respect of the co-accused Viki Bodra @ Munda and another dated 21.03.2022 in BLAPL No.1671 of 2022 and the order in respect of Makhnu Bagar @ Makhanu dated 14.10.2022 in BLAPL No.6015 of 2022 and prays for release, inter alia, on the ground of parity.

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

8. The accusation in the case at hand is that the present petitioner was the paramour of the wife of the deceased and at the instance of the wife of the deceased, the offence was committed.

9. It is submitted by the learned counsel for the State that the petitioner had motive to commit the crime. He also relied on the materials on record to indicate that at the relevant time the mobile phone location of the petitioner and the deceased was under one tower.

10. This Court had occasion to peruse the disclosure statement of the co-accused Viki Bodra @ Munda who has since been enlarged on bail.

11. On considering the disclosure statement of Viki Bodra @ Munda and also the materials on record which indicate the illicit relationship which the present petitioner had with the wife of the deceased being a pointer to the motive, as correctly stated by the learned counsel for the State and other technical data which prima facie establish the complicity of the petitioner, this Court is not inclined to entertain this bail application.

12. This Court is of the considered opinion that the accused persons, who have since been released on bail by this Court referred to herein above are not similarly circumstanced with the present petitioner.

13. Accordingly, the BLAPL stands rejected.

(V. NARASINGH)
Judge

Santoshi

