

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7127 of 2022

Ghana @ Satrugan Nag

....

Petitioner

Ms. C. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.09.2022

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. The petitioner is an accused in Special G.R. Case No.471 of 2020, pending in the file of learned S.D.J.M. Titilagarh, arising out of Titilagarh P.S. Case No.363 of 2020, offence under Sections 341/323/294/342/332/307/302/506 and 34 of IPC and is in custody since 29.01.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Titilagarh by order dated 22.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that once-co-accused Gunasagar Nag has been released on bail on 17.08.2021 in BLAPL No.917 of 2021. It is submitted that petitioner is similarly circumstanced and as charge sheet has

already been filed, further continuance of the petitioner is not warranted, taking into account the nature of allegations vis-à-vis the petitioner.

6. Learned counsel for the state opposes the prayer for bail.

7. Perused the order passed by this Court in BLAPL No.917 of 2021 at Anneure-4 of the bail application

8. While considering the bail application of the co-accused Gunasagar Nag, this Court referred to the eye witnesses of the injured Soumya Ranjan Panda and also the oral dying declaration of deceased Kalakar Chhatar and it has been clearly noted therein that the petitioner was assailed by three persons, the petitioner, one Sumit and Gunasagar Nag.

9. Learned counsel for the State places the statement of the injured Soumya Ranjan Panda before whom the deceased is stated to have implicated the petitioner. Such statement of the deceased has attributed the present petitioner with the specific overt act of blow on his head.

10. Taking into account the statement of the deceased attributing the injury on the head specifically to the present petitioner, this Court is of the considered opinion that the present petitioner is not similarly circumstanced with Gunasagar Nag since released on bail.

11. Accordingly this Court is not inclined to entertain this bail application at this stage. The same stands rejected.

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

(V. NARASINGH)
Judge