

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7200 OF 2022

Nrusingha Das

..... *Petitioner*
Mr. B.B.Swain, Adv.

-versus-

State of Odisha

..... *Opposite Party*
Mr. A.Pradhan, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
23.08.2022

Order No.
O2.

1. This matter is taken up through Hybrid Mode.
2. Free copy of rejection order filed in Court is taken on record.
3. Heard learned counsel for the petitioner and learned counsel for the State
4. The petitioner is an accused in connection with Marsaghai P.S. Case No. 40 of 2022 corresponding to G.R. Case No. 318 of 2022, pending on the file of the learned SDJM, Kendrapara, for commission of the alleged offence under Sections 323/324/326/307/34 of the I.P.C.
5. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Sessions Judge, Kendrapara by order dated 11.07.2022, the present BLAPL has been filed.

6. It is submitted by the learned counsel for the petitioner that there has been long standing civil dispute between the parties and the same is clearly borne out from the statements of witness on record, namely, Niranjana Das. It is stated that Charge-Sheet has already been filed and taking into account the age of the petitioner and the disability certificate, which is on record, further continuance of the petitioner in custody is not punitive.

7. Learned counsel for the State opposes the prayer for bail inter alia relying on the statement of the injured-Nalinikanta Das and drawing the attention of the Court to the criminal antecedents of the petitioner.

8. On a conspectus of materials on record and taking into account the nature of injury suffered by the injured and criminal proclivity of the petitioner, this Court is not persuaded to enlarge the petitioner on bail at this stage. It shall be open to the petitioner to move afresh for bail after examination of the injured Nalinikanta Das.

9. Accordingly, the BLAPL stands rejected.

(V.Narasimha)
Judge

Dhal