

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7205 of 2022

Sankar Behera

....

Petitioner

Mr. R.N. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

Mr. H. Mohapatra, Adv. (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
26.10.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner, learned counsel for the Informant and learned counsel for the State.
3. The Petitioner is an accused in G.R. Case No.278 of 2022, pending in the Court of learned Nyayadhikari Grama Nyayalaya, Brahmagiri, arising out of Brahmagiri P.S. Case No.129 of 2022 for commission of offence under Sections 342/306/34 IPC and is in custody since 27.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Addl. Sessions Judge, Puri, by order dated 20.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the Petitioner submits that since charge sheet has been filed under Section 306 IPC and taking into account the nature of allegation that the daughter of the present Petitioner was in

relationship with the deceased and without any material the present Petitioner has been roped in, he seeks release of the Petitioner on bail.

6. Learned counsel for the Informant vehemently opposes the prayer for bail, inter alia, on the ground that the investigation ex facie perfunctory in nature inasmuch as though a clear case under Section 302 IPC is made out on the basis of material on record, yet on extraneous consideration, charge sheet under Section 306 IPC has been filed to show undue favour to the present Petitioner and members of the family. It is submitted that assailing such motivated investigation, he has filed CRLMP No.1085 of 2022, which is pending adjudication before this Court. An objection has been filed by the Informant reiterating the stand that to botch up the investigation, CRLMP has been filed, is taken on record.

7. Learned counsel for the State supports the stand of the Informant and submits that releasing of the Petitioner at this stage is not desirable.

8. Considering the filing of the charge sheet and the role ascribed to the present Petitioner under Section 306 IPC, this Court directs the Petitioner to be released on bail by the learned Court in seisin over the matter.

9. Needless to say that release of the present Petitioner on bail shall not in any way affect the merit of the CRLMP.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS