

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8140 of 2022

Manu @ Bariyal Tudu

....

Petitioner

Mr. A. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

03.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and the learned counsel for the State.
3. The Petitioner is an accused in S.T Case No.181 of 2022 pending on the file of learned Sessions Judge, Mayurbhanj, Baripada, arising out of Khunta P.S. Case No.59 of 2022 for commission of offence under Section 302 IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Mayurbhanj, Baripada, by order dated 10.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 10.03.2022 and states that even if the entire allegation of the prosecution is accepted at its face value,

the case under Section 302 IPC is not made out. Hence, his further continuance in custody is not warranted.

6. Learned Counsel for the State places the statement of Kabita Murmu recorded under Section 164 Cr.P.C. who is cited as Witness No.6 in the charge sheet.

7. Perused the statement of Kabita Murmu.

8. Considering the tenor thereof, this Court is **not inclined** to entertain this bail application at this stage.

9. It shall be open to the Petitioner to renew his prayer for bail before the learned Court in seisin over the matter after examination of Kabita Murmu. Such application shall be considered on its own merits.

10. With the aforesaid order, this BLAPL stands disposed of.

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

PKS

(V. NARASINGH)
Judge