

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8171 of 2022

Khitish Kumar Nandi @ Babu

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.09.2022

Order No.

03.

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 S.T Case No.198 of 2021 pending in the file of learned 1st Additional Sessions Judge, Cuttack arising out of Sadar P.S. Case No.555 of 2020, alleged offence under Sections 302/449/120-B/109/457/380/34 of IPC and is in custody since 03.11.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 1st Additional Sessions Judge, Cuttack by order dated 08.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. The petitioner is accused of committing offence under Section 302 of IPC read with other allied Sections. The deceased is

one Pravasini Pradhan@ Dali didi. It is submitted by the learned counsel or the petitioner that even if the entire allegation of the prosecution is accepted at its face value, there are no material to connect the present petitioner with the crime committed and it is also stated that the petitioner is a young boy of 20 years he has been falsely implicated in the case at hand, hence his further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that (i) this Court had earlier rejected the bail of the petitioner (ii) the bail application of co-accused Muna Khan in has been rejected by this Court and since only two witnesses have been examined during the currency of the trial, taking into account the nature of allegations, he ought not to be released on bail.

7. According to the submission of learned counsel for the petitioner Mr. Pattnaik that the accused Muna Khan whose bail application was rejected is not similarly circumstanced. Hence rejection of his bail application ought not to be treated as an impediment for consideration of the petitioner's bail independently.

8. This Court carefully read the statement along with learned counsel for the petitioner of witness Neha Kumari Paswan. In the last part thereof it is categorically stated that the husband of the deceased Gopal Behera, the present petitioner and Muna Khan had committed the offence.

9. At this stage the veracity of the statement made by the Neha Kumari Paswan ought not to be tested by this Court. Since it

would not be prudent on the part of this Court to make any comment regarding the veracity of the same which would undoubtedly affect the ongoing trial.

10. Hence on consideration of the materials on the record, this Court is not inclined to entertain this bail application.

11. The same accordingly stands rejected.

12. The learned Court in seisin over the matter is called upon to expedite the trial, keeping in view the age of the petitioner.

13. Accordingly, the BLAPL stands disposed of.

14. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi

