

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8324 of 2022

Guguru Pradhan and another ***Petitioners***

Mr. A.K. Sahoo , Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.12.2022

Order No.

02.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in connection with C.T. Case No.114 of 2022, pending in the Court of the learned J.M.F.C., G. Udayagiri, arising out of Chakapada P.S. Case No.15 of 2022 for commission of alleged offences under Sections 302/201/34 of IPC.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Special Judge-cum-A.D.J., Balliguda, Dist-Kandhamal, by order dated 04.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioners are in custody since 27.03.2022 and charge sheet has been filed on 20.07.2022.
5. It is submitted that the occurrence took place on 15.03.2022 and FIR was lodged on 27.03.2022 basing on the statement of one Lalima Behera who has been cited as charge sheet witness No.2 that the accused No.1 Guguru Pradhan stated before her in the presence of her husband Ramakanta cited as Charge sheet

witnesses No.3 and brother-in-law Suryakanta that he along with Petitioner No.2 had done the deceased to death.

6. It is stated that on the basis of such submission, the FIR was lodged on 27.03.2022 and investigation was taken up. During the course of investigation the body of the deceased and weapon of offence was discovered at the instance Petitioner No.1 Guguru Pradhan by way of seizure under Section 27 of the Evidence Act.

7. Hence, it is stated that keeping in view the nature of materials on record further continuance of the petitioners in custody is not warranted.

8. Learned counsel for the State relied on the statement of that witness Lalima Behera. And, Ramakanta-C.W.3 which according to him clearly point to the criminality of both the petitioners. Hence submits that the bail application is liable to be rejected.

9. This Court perused the statement of said Lalima Behera-C.W.2 and Ramakanta-C.W.3 and the seizure list.

10. On perusal of the same, as correctly stated by the learned counsel for the petitioner prima facie there is no materials qua petitioner No.2 and hence it is directed that the bail application so far as Petitioner No.1 Guguru pradhan is concerned keeping in view the materials against the said petitioner, this Court is not inclined to entertain his bail application. The same stands rejected.

11. This Court directs Petitioner No.2 to be released on bail on such terms to be fixed by the learned Court in seisin.

12. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge