

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8499 of 2022

***Kaonl Singh Gond @ Kaonal
Gond***

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
20.12.2022**

Order No.

02. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with G.R. Case No.117 of 2022, pending on the file of learned N.G.N.-cum-J.M.F.C., Raighar, arising out of Raighar P.S. Case No.84 of 2022 for the alleged commission of offence under Sections 302/34 IPC.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge, Umerkote by order dated 06.08.2022, the present BLAPL has been filed.
4. It is submitted that the Petitioner is in custody since 29.04.2022 and since charge sheet has been filed on 4.8.2022, his further continuance in custody is not warranted. In this context, learned counsel for the Petitioner relies on the statement of Manabati Gond who was initially cited as an accused. On instruction, he submits that she has been exonerated and ultimately

she has been cited as a witness. Relying on the said statement, learned counsel for the Petitioner submits that the altercation took place because of the overt act of the deceased which led to unfortunate incident.

5. Learned counsel for the State opposes the prayer for bail relying on the statement of Lambu Gond.

6. Considering the tenor of the statement of Lambu Gond and the post-mortem report, this Court is **not inclined** to entertain this bail application at this stage.

7. Accordingly, BLAPL stands rejected.

(V. NARASINGH)
Judge

PKS

