

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8939 of 2022

Bankim Chandra Naik

....

Petitioner

Mr. B.S. Panigrahi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.11.2022

Order No.

01.

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 C.T. Case No.636 of 2022, pending in the file of learned S.D.J.M., Baripada, arising out of Bangiriposi P.S. Case No.75 of 2022, for alleged commission of offence under Sections 143/147/148/149/302/307 of IPC and is in custody since 21.04.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Mayurbhanj by order dated 26.08.2022 in the aforementioned case, the present BLAPL has been filed.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 22.04.2022, since charge sheet has already been filed, hence he seeks release of the petitioner.

6. And it is submitted that the vehicle, in which the deceased was travelling, caused accident in which one person died and out of a fit of anger, the offence has been committed without any premeditation and it is the further submission of the learned counsel for the petitioner that since there has been no recovery and taking into account that the allegations are omnibus in nature and the statements on which the learned Court relied on in the rejection order, are all parrot like and the petitioner not having any criminal antecedent, his further continuance in custody is punitive.

7. Learned counsel for the State opposes the prayer for bail relying on the statement of one of the staff of the company Bishnu Prasad Patra and eyewitness Pradeep Behera, Maheswar Sethi, Dillip Ku. Sahu, Santosh Sethi and Sudarsan Naik, as noted by the learned Court below.

8. He also places reliance on the postmortem report which shows multiple injuries on the deceased. On perusal of the statement of the eyewitnesses, it is seen that the present petitioner has been accused of overt act along with other accused namely Gourang Sethy, Ananda Sethy, Satyajit Sethy @ Paltu, Rajiv Sethy, Ramesh Ku. Behera, Nagardeep Sethy and Rakesh Sethy.

9. Taking into account the Post-mortem Report and the manner in which the offence has been committed, this Court is not

inclined to entertain this application at this stage. The same accordingly stands rejected.

10. It shall be open for the petitioner to renew his prayer before the learned Court in seisin after examination of the eye-witnesses referred to herein above.

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

(V. NARASINGH)
Judge

Santoshi

