

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9201 of 2022

***Sambaria @ Bhagirathi
Pradhan***

....

Petitioner

Mr. R.K. Ray, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
01.11.2022**

Order No.

02.

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 connection with S.T. Case No.57 of 2022 corresponding to G.R. Case No.188 of 2022, pending in the Court of learned Additional District & Sessions Judge, Kodala, Ganjam, arising out of Polasara P.S. Case No.192 dated 15.05.2022, for alleged commission of offences under Section 302 of IPC read with Section 25(1-A)/27 of Arms Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge, Kodala, by order dated 23.08.2022 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 15.05.2022 and in the meanwhile, charge-sheet has been filed, further continuance of the petitioner in custody is unwarranted.

6. It is submitted with vehemence by the learned counsel for the petitioner that even if the entire case of the prosecution is accepted at its face value, no case under Section 302 of IPC is made out against the present petitioner.

7. Learned counsel for the State opposes the prayer for bail relying on the statement of one Deepak Sahu, who is an eyewitness.

8. Considering the statement of Deepak Sahu, the manner in which the petitioner assaulted the deceased and his statement recorded under Section 37 of the Evidence Act, this Court is **not inclined** to consider this bail application at this stage.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha