

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9349 of 2022

Bikash Jena

....

Petitioner

Mr.S.R. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, 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 G.R. Case No.423 of 2020 pending on the file of learned J.M.F.C., Aul, arising out of Rajkanika P.S. Case No.243 of 2020, for commission of the alleged offence under Sections 498-A/306/304-B/406/34 IPC and Section 4 of the D.P Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Kendrapara by order dated 20.09.2022 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 20.09.2022 and as the charge sheet has been filed on 31.5.2022, his further continuance in custody is

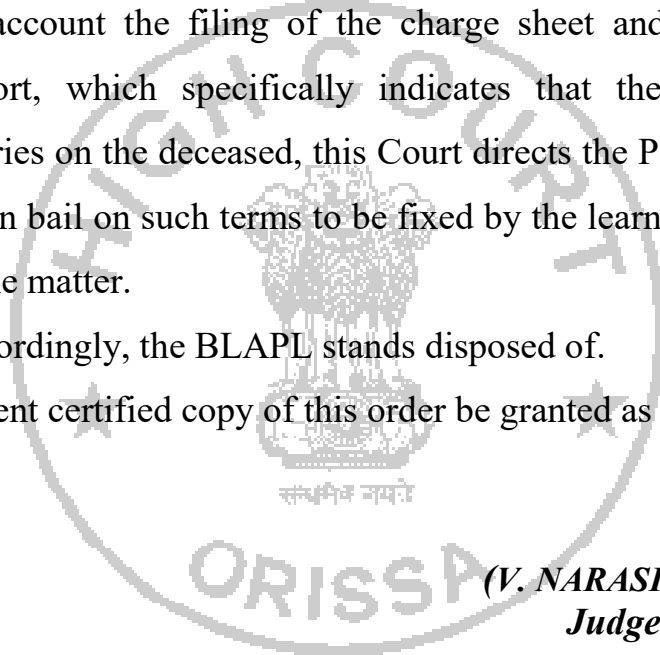
unwarranted. It is submitted that though FIR was filed inter alia under Section 302 IPC, after investigation charge sheet has been filed under Sections 306/304-B IPC and other allied Sections. He further submits that since the Petitioner is in custody since 20.09.2022, as stated, he may be released on bail.

6. Learned counsel for the State opposes the prayer for bail of the Petitioner relying on the statement of Babaji Jena, father of the victim.

7. Considering the statement of the father of the victim and taking into account the filing of the charge sheet and the post-mortem report, which specifically indicates that there are no external injuries on the deceased, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

8. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

PKS