

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9748 of 2022

Nagardeep Sethi @ Manglu

....

Petitioner

Mr. S.Z. Hussain, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

07.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with C.T. Case No.636 of 2022, pending in the Court of the learned SDJM Sadar, Baripada, arising out of Bangiriposi P.S. Case No.75 of 2022, for alleged commission of offences under Sections 143/147/148/149/302/307 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Mayurbhanj, Baripada, by order dated 28.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 27.09.2022 and charge-sheet has already been filed.

5. It is submitted that the vehicle in which the deceased was travelling, caused accident in which one person has died and out of a fit of anger, the offence has been committed without any premeditation and it is also submitted by 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, hence his further continuance in custody is unwarranted.

6. It is the further submission of the learned counsel for the petitioner that that the investigation is perfunctory, in the sense there were two other occupants in the vehicle, who has not been examined. Hence, the case of the prosecution cannot be accepted at its face value.

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 eye witnesses 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 post mortem report which shows multiple injuries on the deceased. On perusal of the statement of the eye witnesses, 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 and Rakesh Sethy.

9. Taking into account the post mortem report and the manner in which the offence committed and rejection of the bail of

the co-accused by this Court by order dated 02.11.2022, this Court is **not inclined** to entertain this bail application.

10. It shall be open to the petitioner to renew his prayer before the learned Court in seisin over the matter afresh, after examination of material witnesses referred to herein above.

11. Accordingly, the BLAPL stands rejected.

(V. NARASINGH)
Judge

Ayesha

