

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10095 of 2022

Banamali Telenga

....

Petitioner

Mr. Niranjana Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.12.2022

Order No.

03.

1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. The Petitioner is an accused in S.T. No.19 of 2022 pending on the file of learned Addl. District & Sessions Judge, Kantamal, arising out of Manmunda P.S Case No.150 of 2021, for commission of the offence alleged 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. District & Sessions Judge, Kantamal by order dated 26.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by Mr. Panda, learned counsel for the Petitioner that the Petitioner is aged about 75 years and is in custody since 16.11.2021 and as charge sheet has already been filed on 13.03.2022, his further continuance in custody is unwarranted. It is submitted that the prosecution case is based only on last scene

theory and there is no other material to connect the Petitioner with the alleged crime.

5. Learned counsel for the State places on record to the statement of one Rajani Telenga wife of co-accused Rajendra @ Shiba Telenga. She has stated that the deceased had left with both the accused. There is a statement on record of one Rabi Sahu to the same effect.

6. Taking into account that except the last scene theory, there is no admissible evidence to connect the Petitioner with the alleged crime and keeping in view his age (75 years), 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.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy as per rules.

(V. NARASINGH)
Judge

PKS

