

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10118 of 2022

Kake Singh @ Papinder

....

Petitioner

Mr. P.S. Nayak, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
14.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with G.R. Case No.2434 of 2004, pending in the Court of the learned 2nd Additional Sessions Judge, Rourkela, arising out of Hatibari P.S. Case No.70 of 2004, for alleged commission of offences under Sections 452/302 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Rourkela, by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. Learned counsel for the petitioner submits that in the dying declaration which is on record, the petitioner has not named any person and in fact it categorically stated that he has not seen the person, who has set him on fire.
5. It is submitted that the deceased is stated to have made statements before Kailash Sahoo, Phagu Mundari and others

implicating the petitioner and hence it is submitted by the learned counsel for the petitioner that since in the dying declaration the deceased had not named anyone, no reliance can be placed on subsequent statements.

6. Learned counsel for the State has placed reliance on the statement of Kailash Sahoo, Phagu Mundari and also one Suklal Mundari from which it is clearly borne out that there was an earlier demand of ransom by the present petitioner. And, the deceased had stated before the said witnesses that being afraid of the clout of the present petitioner, he had not named him in the dying declaration.

7. This Court refrains itself from making any comment regarding the effect and admissibility of the statement made by the deceased to Kailash Sahoo, Phagu Mundari and Suklal Mundari as the same will prejudice the accused in the impending trial.

8. It is also placed on record that the present petitioner has criminal antecedents of similar nature inasmuch as he is facing trial in a case under Section 302 of IPC in addition to the present case.

9. Taking into account the statement of the witnesses noted hereinabove and the criminal proclivity of the petitioner, this Court is **not inclined** to entertain this bail application.

10. Since the petitioner is stated to be in custody for a long period this Court calls upon the learned Court in seisin to conclude the trial expeditiously.

11. Accordingly, the BLAPL stands disposed of.

(V. NARASINGH)
Judge

Ayesha