

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13510 of 2022

Bharat Jena

Petitioner
....
Mr. Anirudha Das, Advocate

-versus-

State of Odisha

Opposite Party
....
Mr. Debasis Biswal, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
18.11.2022**

05.

1. Heard the learned counsel for the Petitioner and the State.
2. By means of this application U/s.438 Cr.P.C. the Petitioner seeks grant of bail in apprehension of arrest for his alleged involvement in the offences U/s. 364/302/201/34, I.P.C., in connection with Rourkela Plantsite P.S. Case No.380 of 2022 corresponding to G.R. Case No.1770 of 2022 pending in the court of learned S.D.J.M., Panposh.
3. It is alleged that, on 26.09.2022 one Shivangi Rao, w/o. Amar Khadia of Hatipala Sahi, Deogarh lodged a written report before the Plantsite P.S. to the effect that her younger brother namely Srinibas Rao @ Sinu was residing in the house of one Babu since last four years. About one year back he left the house of Babu and stayed at Gopabandhu-Palli near New Station in a rented house and was working in a cloth store at Power House Road, Mangal Bhawan

Chowk. It is also reported that Sinu had developed love relation with the daughter of said Babu and had supplied a Mobile Phone to her. It also reveals from the report that on 24.09.2022 the above matter came to the notice of the family members of the girl, whereafter her brother Sinu, who had prepared to move to Sambalpur by train and left his rented house at 10 A.M., the family members of the girl chased him and he was abducted to their house and was assaulted brutally. Later his whereabouts could not be ascertained. On the basis of the report, the police registered a case and took up investigation. While the matter stood thus, the present petitioner apprehending his arrest has moved in the present.

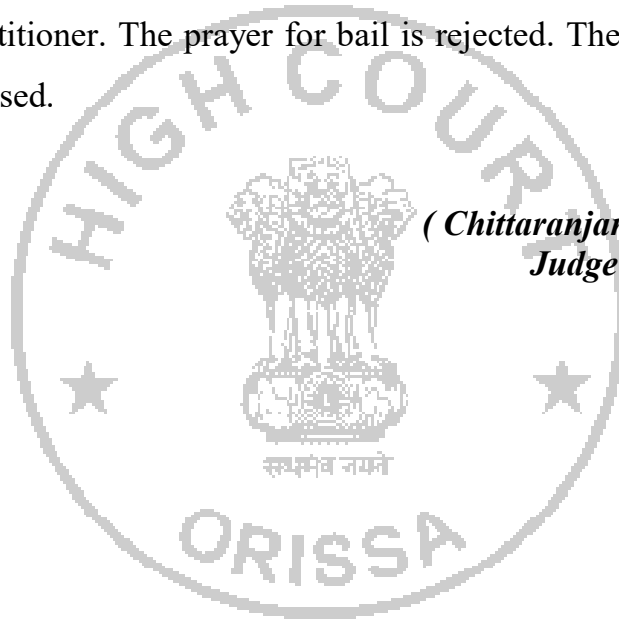
4. It is submitted by learned counsel for the Petitioner that the name of the present Petitioner does not find place in the F.I.R. There is also no semblance of any nexus in the crime vis a vis the crime, but he is being chased by the police for arrest. Learned counsel for the Petitioner, therefore, prays for pre-arrest protection of the Petitioner.

5. Learned counsel for the State on the contrary, having obtained the Case Diary, submits that the case initially registered U/s. 364/34 IPC has turned to offence U/s.364/302/201/34 IPC and there is substantial material against the present Petitioner in the alleged abduction and murder of the deceased and there is specific overt act narrated by the eye-witness to the occurrence. Therefore, no manner of leniency can be shown in consideration of his bail.

6. Having heard the learned counsels for the parties and on perusal of the material available on record as submitted by the State, more

particularly the statement of the eye-witness to the occurrence, there appear materials involving the present Petitioner with specific overt act in the alleged crime. Keeping in view the seriousness of the allegation and the fact as to gruesome murder of the deceased, a fair investigation is inevitable in this case. On the contrary, the Petitioner does not bear a moral standing nor has a position in the society in the context of the present facts and circumstances so as to earn the extraordinary judicial discretion of the Court. Consequently, this Court is not inclined to grant anticipatory bail to the Petitioner. The prayer for bail is rejected. The ABLAPL stands dismissed.

S.K. Parida



(Chittaranjan Dash)
Judge