

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9395 of 2021

Kalu @ Sukanta Das

.... **Petitioner**
M/s.A.P.Nayak, Advocate

-versus-

State of Orissa

.... **Opp. Party**
M/s.P.K.Patnaik, A.G.A.
Mr.N.Singh, Advocate
for informant

CORAM:

JUSTICE G. SATAPATHY

ORDER

30.09.2022

I.A. No. 1671 of 2022

Order No.

12. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. The present I.A. has been filed seeking interim bail to the petitioner in connection with Mancheswar P.S. Case No. 48 of 2021 corresponding to C.T. Case. No. 56 of 2021 pending before the learned 3rd Addl. Sessions Judge, Bhubaneswar.
3. Learned counsel for the petitioner could not satisfy the Court about the grounds taken in the Interlocutory Application for grant of interim bail to the petitioner.
4. Accordingly, the I.A. is dismissed.

(G. Satapathy)
Judge

13.

BLAPL NO. 9395 of 2021

This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Mancheswar P.S. Case No.48 of 2021 corresponding to C.T. Case No.56 of 2021 pending in the Court of learned 3rd Addl. Sessions Judge, Bhubaneswar for commission of offence punishable U/Ss. 302/324/307/450/34 of I.P.C. on the allegations that on

the date, time and occurrence the petitioner and another in furtherance of their common intention killed the deceased by stabbing and assaulting by means of lathi.

2. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside jail custody since 12.02.2021 and trial has not yet commenced. It is further submitted that co-accused Chandi Nayak standing on similar footing has been granted bail by this Court in BLAPL No. 3182 of 2021 on 15.09.2021. Learned counsel for the petitioner under these submissions prays to enlarge the petitioner on bail.

3. On contrary, learned counsel for the State by placing the statement of one Tabira Bisra submits that the petitioner is wholly and solely responsible for causing death of the deceased by stabbing and post mortem report discloses five stab wounds besides other wounds on the person of the deceased which ultimately lead to death of the deceased and the petitioner having allegedly stabbed the deceased cannot be equated with co-accused Chandi Nayak released on bail against whom no allegation of stabbing is directed. The petitioner having prima facie involved in the commission of murder of the deceased and assault to the informant by means of knife should not be released on bail.

4. Learned counsel for the informant while echoing the submissions advanced by learned Counsel for the State, further submits that the petitioner being found seen to have stabbed the deceased cannot be equated with co-accused released on bail against whom assault on the deceased by means of lathi is alleged but the petitioner having prima facie involved in a case of gruesome murder of the deceased should not be enlarged on bail.

5. Considering the nature and gravity of offences, especially the nature of the allegations raised against the petitioner for stabbing the deceased and assaulting the informant by means of knife and taking into consideration the other circumstance of the alleged crime and the role

attributed to the petitioner, which does not persuade this Court to place the petitioner on similar circumstance with co-accused released on bail and taking into consideration the statement of eye witness Tabira Bisra vividly describing the allegation against the petitioner for stabbing the deceased and assaulting the informant by means of knife, this Court considers it undesirable to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner stands rejected.

6. Learned trial Court is requested to expedite the trial in terms of submission made by learned counsel for the petitioner.
7. Accordingly, the BLAPL stands disposed of.
8. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge

Kishore

