

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10098 OF 2021

Laxmidhar Jena @ Bapi

.... ***Petitioner***
Mr. B.K. Das, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Karunakar Nayak, ASC

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
20.01.2022**

Order No.

01. 1. This matter is taken by video conferencing mode.
2. The Petitioner being in custody in connection with Balasore Sadar P.S. Case No.397 of 2019 corresponding to C.T. Case No.1381 of 2019 on the file of learned J.M.F.C.(R), Baleswar running for alleged commission of offence under Section 302/34 of the IPC, has filed this application under Section 439 of the Cr.P.C. for his release on bail in the above mentioned case.
3. Mr.D.Nayak, learned Senior Counsel for the Petitioner submits that there is no direct evidence against the Petitioner to implicate him with the alleged crime and prosecution relies upon certain circumstances to fasten the guilt upon the Petitioner which themselves are weak and those joined together do not go to complete the chain. In view of all these above, the investigation of the case being complete, according to him; further detention of the

Petitioner in custody is not warranted. He, therefore, In view of all these above, he urges for grant of bail to the Petitioner.

4. Learned counsel for the State, placing the case diary submits that in view of the statements of the witnesses recorded under section 164 Cr.P.C. no case for grant of bail to the petitioner is made out.

5. Perusal of the record reveals that till 28.11.2021, the investigation had not been concluded and the Court below has rejected the prayer for grant of bail to the Petitioner on 01.11.2021 when the charge-sheet with all the materials sought to be relied upon by the prosecution had not been placed for being taken into consideration.

In view of the above, this application stands disposed of granting liberty to the Petitioner to move the Court below afresh citing all the materials collected in course of the investigation for their consideration in proper perspective.

It is needless to say when the occasion would so arise before the learned Court in seisin of the case for consideration of the prayer for grant of bail to the Petitioner, the same would be made on its own merit; further taking into account all the developments which have taken place in the meantime in their proper perspective without being prejudiced by this order and disposed of early in accordance with law.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned Counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the

concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 as modified by Court's Notice No.4798 dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

***(D. Dash),
Judge.***

Narayan

