

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9393 OF 2020

Rabi Mandingi

..... ***Petitioner***
Mr. Asit Kumar Jena, Advocate

-versus-

State of Odisha

..... ***Opposite Party***
Miss S. Mishra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
06.04.2022

Order No.
03.

1. This matter is taken up through Hybrid Mode.
2. The petitioners are accused in connection with G.R. Case No. 333 of 2019 corresponding to Bandhugaon P.S. Case No. 75 of 2019, pending on the file of the learned J.M.F.C., Laxmipur for the alleged commission of offence under Sections-302 of IPC, and is in custody since 09.11.2020.
3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge, Koraput by Order dtd. 11.12.2020, the present BLAPL has been filed.

4. Heard Mr. A.K. Jena, learned counsel for the petitioner and Miss S. Mishra, learned Additional Standing Counsel for the State.

5. Learned counsel for the petitioner submits that there has been no pre-mediation in the commission of offence and it has happened as fit of anger, as such it cannot be said to be an offence under Section-302 of the I.P.C and that, since the charge-sheet has already been filed on 09.11.2020, further continuance of the petitioner is not warranted.

6. Learned counsel for the State opposes the prayer for bail.

7. Considering the materials on record and the manner in which the offence has been committed, this court is not inclined to release the petitioner on bail and the same stands rejected.

8. Accordingly, the BLAPL stands dismissed.

9. The liberty is granted to the petitioner to renew his application at later stage, if so advised.

10. Urgent certified copy of this order be granted as per rule.