

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10792 of 2021

Rocky @ Muna Dehury

....

Petitioner

Mr. Jugal Kishore Panda, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra, ASC

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

04.05.2022

Order No.

03.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in connection with Choudwar P.S. Case No.343 of 2019 corresponding to G.R Case No.1792 of 2019 pending before the court of learned J.M.F.C.(R), Cuttack registered for the alleged commission of offences under Sections 394/ 397/ 302 of I.P.C. read with Sections 25 and 27 of the Arms Act has filed this application under Section 439 of Cr.P.C. for his release on bail.
4. The prosecution case, in brief, is that on 25.09.2019, the informant along with his family was returning to his house from Puri, in a taxi bearing Regd. No.OD-06-D 1786. While they were near Nuapatna Rice Mill, two peoples who were on a motorcycle attacked them. The accused held the driver at gunpoint and detained their car. Subsequently, another two peoples came by means of a motor cycle and tried snatching away their belongings. When the deceased protested, one of the accused shot at his head. Thereafter, all the accused took away a gold ring, a money purse and a mangalsutra and fled from the

spot. The deceased was taken to S.C.B. Medical College and Hospital, Cuttack where he succumbed to his injuries.

5. Learned counsel for the petitioner submits that the petitioner has no role in the case and has been falsely entangled in the present case. A prima facie case is not being made out against the petitioner. Furthermore, during the course of investigation, it was found that another co-accused fired the shot and he is the author of the crime. Moreover, the instigation has been completed with respect to the petitioner and the charge sheet has been filed, leaving no scope for tampering of prosecution evidence and absconding.

6. Learned counsel for the State vehemently opposed the bail prayer of the petitioner on the ground that there is clinching evidence against the petitioner.

7. Considering the nature and gravity of the accusation, character of evidence appearing against the petitioner, the stringent punishment provided and that there are no reasonable grounds for believing that the petitioner is not guilty of the offence alleged or not likely to commit any such offence, which is not possible to record in this case, the prayer for bail is devoid of merit. Hence, the prayer for bail stands rejected.

8. Accordingly, the BLAPL is disposed of being dismissed.

9. Issue urgent certified copy as per Rules.

(S.K. Panigrahi)
Judge