

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15827 of 2021

Subrat Kumar Gochayat @ Petitioner
Raja

Mr.S.K.Pattnaik, Advocate

-versus-

State of Odisha Opp. Party

Mr.J.P. Patra,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
07.01.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State. *संक्षेपिक न्यायो*

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Sector-7, Rourkela P.S. Case No.126 of 2021 corresponding to G.R. Case No.1775 of 2021 pending in the Court of learned S.D.J.M., Panposh, Rourkela for alleged commission of offences under sections 302/201 of the Indian Penal Code.

Perused the FIR.

Learned counsel for the petitioner submitted that though it is a case under section 302 of the Indian Penal Code but there are no eye witnesses to the occurrence and

the case is based on circumstantial evidence and the first information report was lodged against unknown persons. He placed the statement of the wife of the deceased, namely, Meena Pattanaik and submitted that the petitioner has been falsely implicated in the case basing on suspicion and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail and submitted that the petitioner was last seen in the company of the deceased and the case is still under investigation and custodial interrogation of the petitioner is necessary to unearth the truth and argued that it would not be proper at this stage to grant anticipatory bail to the petitioner.

Considering the submissions made by the respective parties, the nature of accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, I direct that in the event the petitioner surrenders and moves for bail before the learned Court below, the same shall be disposed of as expeditiously as possible in accordance with law. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge