

Jhasketan Bhoi Vs State Of Odisha

Court: Orissa High Court

Date of Decision: July 26, 2024

Acts Referred: Code of Criminal Procedure, 1973 â€” Section 439
Indian Penal Code, 1860 â€” Section 34, 302, 348, 364

Hon'ble Judges: V. Narasingh, J

Bench: Single Bench

Advocate: S.K. Pradhan, P.K Maharaj

Final Decision: Disposed Of

Judgement

V. Narasingh, J

1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. The Petitioner is an accused in connection with G.R. Case No.348(B) of 2022, pending in the Court of learned Addl. Sessions Judge Bargarh,

arising out of Barpali P.S. Case No.360 of 2022, for commission of alleged offences under Section 302/34/348/364 of IPC.

3. Learned counsel, on instruction, submits that except the present BLAPL, no other bail application of the Petitioner relating to the aforementioned

P.S. Case is pending in any other Court.

4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Bargarh by order dated

01.05.2024, the present BLAPL has been filed.

5. It is submitted by the learned counsel that the Petitioner is in custody since 01.05.2024 and charge sheet in the case at hand has been filed showing

the Petitioner has been absconder.

6. The allegation against the present Petitioner is that he along with the co-accused brutally assaulted the deceased-Jogeswar Meher, who allegedly

committed theft of a motor cycle. While the said deceased was being taken to the nearest police station, he succumbed to the injury.

7. Learned counsel for the Petitioner further submits that by orders dated 15.05.2023 and 12. 04.2024 the co-accused persons (Benudhar Bhoi and

Gananath Padhan @ Gana Padhan) have been released by this Court in BLAPL No.3608 of 2023 and 1078 of 2024 respectively. It is stated by the

8. Learned counsel for the State opposes the prayer and submits that since the Petitioner was absconding, prima facie shows his complicity and

9. It is further submitted by the learned counsel for the Petitioner that unfortunate incident happened in spur of the moment without any premeditation.

10. Taking into account the role ascribed to the Petitioner and release of co-accused, this Court directs the Petitioner to be released on bail on such

11. If it comes to fore that the Petitioner has criminal antecedent of any nature, this order shall not be given effect to.

by the learned Court in seisin till conclusion of trial. Certification of such appearance shall be submitted to the Court in seisin.

14. Urgent certified copy of this order be granted as per the rules.

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