
(2024) 01 OHC CK 0033
In the Orissa High Court
Case No : Bail Application No. 13703 Of 2023
Artabandhu Banchhor Vs State Of Odisha ?

Date of Decision : 02-01-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 164, 439
Indian Penal Code, 1860 — Section 34, 302

Citation : (2024) 01 OHC CK 0033

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : A.P. Bose, T.K. Praharaj

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 C.T. Case No.68/58 of 2023 (arising out of C.T. Case No.1621 of 2022), pending in the Court of the learned Additional District & Sessions Judge, Bargarh, arising out of Bhatli P.S. Case No.269 of 2022, for alleged commission of offences under Sections 302/34 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 Additional Sessions Judge, Bargarh by order dated 04.11.2023 in the aforementioned case, the present BLAPL has been filed.
5. This is the second journey of the Petitioner to this Court. Earlier the Petitioner along with the co-accused had moved this Court.
6. The bail application of the co-accused namely Daktar Banchhor and Chandrakanta Banchhor in BLAPL Nos.5600 & 5649 of 2023 were allowed where as the bail application of the present Petitioner (BLAPL No.5731 of 2023) was

rejected by common order dated 17.08.2023.

7. While rejecting the bail application of the present Petitioner in paragraphs 9 & 10, this Court observed thus:-

"9. This Court also perused the statements of the witnesses Sukanta @ Srikanta Behera and Banabas Mahapatra recorded under Section 164 C.P.C.

10. On an analysis of the materials on record, this Court persuaded to hold that so far as the accusation is concerned that is prima facie against the petitioner in BLAPL No.5731 of 2023 (Artabandhu Banchhor), at whose instance the weapon of offence was recovered and the motive has been clearly spelt out from the statement of Budhadeb Das-CSW No.13 and that of the father of the deceased, Loknath Bhoi-CSW No.20."

8. Since there is no change in circumstance save and except the examination of Banabas Mohapatra who has resiled, this Court is not inclined to entertain the bail application at this stage.

9. It is needless to state here that the observations made herein are only for the purpose of consideration of bail and ought not to be understood as this Court expressing any opinion regarding the complicity of the petitioner and the same has to be adjudicated independently in the impending trial.

10. Accordingly, the BLAPL stands disposed of.

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