

(2024) 05 OHC CK 0181
In the Orissa High Court
Case No : Bail Application No. 3072 Of 2024

Faru @ Faruk Khan

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 20-05-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 302, 323, 341, 506

Citation : (2024) 05 OHC CK 0181

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : A. Mishra, T.K. Praharaj

Final Decision : Dismissed

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 S.T. Case No.52 of 2022, pending on the file of learned 2nd Addl. Sessions Judge, Cuttack arising out of Dargahbazar P.S. Case No.79 of 2021, for commission of alleged offences under Sections 341/323/506/302/34 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 2nd Addl. Sessions Judge, Cuttack by order dated 05.03.2024 in the aforementioned case, the present BLAPL has been filed.
5. This is the third journey of the Petitioner to this Court. Earlier applications of the Petitioner have been rejected by this Court in BLAPL No.5014 of 2022 by order dated 29.07.2022 and BLAPL No.3827 of 2023 by order dated 09.11.2023.

6. It is submitted by the learned counsel that as the trial is not concluded in terms of the order dated 09.11.2023 passed in BLAPL No.3827 of 2023, the Petitioner has moved this Court in the present bail application.

7. Learned counsel for the State opposes the prayer.

8. This Court perused the statement of the witnesses including P.Ws.1 and 2 who are the parents of the deceased and witnesses to the alleged dying declaration.

9. It is needless to state that the observations made here are only for the purpose of bail application and ought not to be construed as expressing any opinion regarding complicity of the Petitioners which has to be adjudicated in the impending trial on its own merit.

10. Taking note of the same, this Court is not inclined to entertain this bail application.

11. Accordingly, BLAPL stands rejected.

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