

(2024) 01 OHC CK 0172

In the Orissa High Court

Case No : Bail Application No. 99 Of 2024

Tengunu @ Sambhunath Bhoi Vs State Of Odisha ?

Date of Decision : 31-01-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 302
Arms Act, 1959 — Section 25, 27

Citation : (2024) 01 OHC CK 0172

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : D.R. Mishra, T.K. Praharaj

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Heard learned counsel for the Petitioner and learned Central Government Counsel for the NCB.
2. The Petitioner is an accused in connection with S.T. Case No.92 of 2022 corresponding to C.T. Case No.135 of 2022 pending on the file of learned Addl. District & Sessions Judge, Boudh, arising out of Purunakatka P.S. Case No.88 of 2022 for commission of offence alleged under Sections 302 of IPC read with Section 25/27 of the Arms Act.
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. District & Sessions Judge, Boudh by order dated 05.01.2024 in the aforementioned case, the present BLAPL has been filed.
5. This is the second journey of the Petitioner to this Court.
6. The earlier bail application of the Petitioner i.e. BLAPL No.2641 of 2023 was

disposed of by this Court by order dated 12.04.2023 and on consideration of materials on record, this Court had specifically granted leave to the Petitioner to renew his prayer after examination of CSW No.1, Akash Bhoi and CSW No.17, Prabira Pradhan.

7. Learned counsel for the Petitioner submits that admittedly CSW No.17, Prabira Pradhan is yet to be examined.

8. Considering the same, this Court is not inclined to entertain the bail application at this stage.

9. Liberty is granted to the Petitioner to renew his prayer before the learned Court in seisin in terms of the earlier order after examination of CSW No.17, Prabira Pradhan and other materials witnesses. If such an application is filed, the same shall be considered on its own merit.

10. Accordingly, the BLAPL stands disposed of.

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