

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.166 of 2023

Lipu@Sushil Behera

....

Appellant

Mr. S. Mohanty (1), Advocate

Mr. S.S. Chaini, Advocate

-versus-

State of Odisha

....

Respondent

Mr. Sonak Mishra, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

JUSTICE CHITTARANJAN DASH

ORDER

26.09.2023

Order No.

I.A. No.342 of 2023

04.

1. This order arises out of an application filed under Sec.389 Cr.P.C. by the Appellant for grant of bail. He has been convicted by learned Addl. Sessions Judge, Aska in S.T. Case No.41 of 2013 for commission of offences under Sections 302/34 I.P.C. and Sections 25(1-A)/27 of the Arms Act and has been sentenced to life imprisonment.

2. Heard Mr. S. Mohanty(1), learned counsel for the Appellant and Mr. Sonak Mishra, learned Additional Standing Counsel for the State-Respondent.

3. Mr. Mohanty(1), learned counsel for the Appellant submits that conviction of the Appellant is entirely based on the evidence of P.W.17, wife of the deceased, who had an eye-sight problem. He further submits that conviction of the Appellant cannot be sustained on the basis of evidence of P.W.17.

4. As seen from the record, the Appellant is history-sheeter having number of criminal antecedents. In the instant case, two persons came in the motorcycle and fired on the deceased resulting his instant death. P.W.17, the wife of the deceased, is stated to be an eye-witness of the assault made on her husband and she identified the Appellant in court.

5. Upon hearing both parties and considering the statements of the witnesses, we are not inclined to release the Appellant on bail at this stage. Accordingly, the prayer for bail is rejected.

6. The I.A. is dismissed.

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7. Registry is directed to prepare the Paper Book and list this appeal on 18th January, 2024 for hearing.

(B.P. Routray)
Judge

(Chittaranjan Dash)
Judge