

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 12425 of 2022

Sabana Khilla

....

Petitioner

Mr. P. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.01.2023

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.697 of 2022, pending in the file of learned S.D.J.M., Malkangiri, arising out of Jodambo P.S. Case No.07 of 2022 for commission of alleged offences under Sections 302 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Malkangiri by order dated 19.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. Taking into account the nature of allegation and role ascribed to the petitioner and since the consideration by the learned Court in seisin over the matter was during the course of investigation, this Court is **not inclined** to entertain this bail application at this stage without having the assessment of materials on record by the learned Court in seisin.

5. It shall be open to the petitioner to move the learned Court in seisin over the matter after filing of charge sheet and same shall be considered on its own merits without being influenced by the earlier rejection or the order passed by this Court.
6. Accordingly, the BLAPL stands disposed of.
7. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi

