

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.82 of 2022

Dhaneswar Kaibarta

....

Petitioner

Mr. M.K.Panda
Advocate

-versus-

State of Odisha

....

Opposite Party

Miss.S.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

31.01.2022.

Order No.

01.

1. This matter is taken up through virtual mode.
2. Heard Mr. M.K.Panda, learned counsel for the Petitioner and Miss.S.Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 10th November, 2021 in connection with Khariar P.S. Case No.429/2021 corresponding to C.T. Case No.412/2021 pending in the court of learned J.M.F.C., Khairar for the alleged commission of the offence under Sections 304/201/34 of I.P.C. read with Section 135 of Electricity Act.

4. The allegation is that the Petitioner along with two other persons laid a live electric wire in the agricultural field belonging to the deceased. The deceased came in contact with such live wire and was electrocuted.

5. It is submitted by the learned counsel for the Petitioner that wire was laid with the intent of hunting wild boar and there was no intention on the part of the Petitioner to kill the deceased and at best it was an accident.

6. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the Petitioner and his associates had been requested by the deceased not to lay electric wire as the same is dangerous.

7. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact that charge sheet has already been submitted in the case, I am inclined to allow the prayer for bail.

8. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the trial court on each date of posting of the case without fail.

9. The BLAPL is disposed of.

10. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

AKB

(Sashikanta Mishra)
Judge

