

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 241 of 2022

Babuna @ Babuni @ Keshab Parida **Petitioner**

Mr. K.K. Mishra, Advocate

- Versus -

State of Odisha **Opposite Party**

Mr. P. Tripathy, Addl. Standing Counsel

Mr. A. Nayak Advocate (for informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

28.06.2022

Order No.

3.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 24.04.2021 in connection with Jharsuguda P.S. Case No.547 of 2021 corresponding to C.T. Case No.2579 of 2021 pending in the Court of learned J.M.F.C., Jharsuguda for the alleged commission of offence under Sections 457/380/34 of IPC.
4. The facts of the case are that the petitioner and the deceased had been drinking liquor and thereafter went to a vegetable vendor, namely, Pramila Samal, who happens to be the paternal aunt of the petitioner. It is further alleged that the deceased unnecessarily picked up a quarrel with the said Pramila Samal, to which the petitioner objected. Thereafter a quarrel ensued. In course of such quarrel, the deceased assaulted the petitioner, whereupon he stabbed him by means a knife causing his death.

5. It is submitted that the matter arose out of a sudden quarrel without any premeditation and therefore, the offence under Section 302 is not made out.

6. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that the petitioner has criminal antecedents.

7. Considering the rival submissions, materials on record, the period of detention in custody and the fact that the incident arose out of a sudden quarrel, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the Court in seisin over the matter on each date of posting of the case without fail.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

