

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 251 of 2022

Badal @ Manoranjan Barik

.... **Petitioner**
Mr. U.C. Jena, Advocate

- Versus -

State of Odisha

.... **Opposite Party**
Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

26.04.2022

Order No.

4.

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 05.08.2021 in connection with Soro P.S. Case No.291 of 2021 corresponding to C.T. Case No.633 of 2021 pending in the Court of learned J.M.F.C., Soro for the alleged commission of offence under Sections 302/34 of IPC.
4. The prosecution allegation is that the petitioner and the deceased, who were friends, consumed alcohol and drugs on the night before the occurrence and at the relevant time, there was an altercation between the wife of the accused and the deceased, due to which the accused is said to have put his hands on the mouth and nose of the deceased with the intention of keeping him quite. However, the deceased died thereafter. The postmortem report does suggest that death of the deceased was due to asphyxia caused by smothering, but then considering the report of the investigation as laid in the charge sheet, a definite premeditation or intention to kill the deceased is prima facie, not made out.

5. Having regard to the above fact as also taking into account the period of detention of the petitioner in custody, coupled with the fact that charge sheet has already been submitted, 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 trial Court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the said Court to take him to custody again.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

