

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.550 of 2022

Ulash Polai @ ***Petitioner***
Krupasindhu Palai

Mr. L. Achari, Advocate

-versus-

State of Odisha ***Opp. Party***

Mr. D.K. Pani
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

02.02.2022

Order No.

01. This matter is taken up through video conferencing mode.

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Sorada P.S. Case No.79 of 2021 corresponding to G.R. Case No.7 of 2021 pending in the Court of learned 1st Addl. Sessions Judge –cum-Special Judge, Berhampur, Ganjam for alleged commission of offences under sections 307/304/34 of the Indian Penal Code and sections 135 and 136 of Odisha Electricity Act.

Learned counsel for the petitioner submitted that the first information report was lodged against unknown persons at the instance of one Jangyaseni Maharatha and the case under sections 336/337/307 of the Indian Penal Code was instituted. During course of investigation, the co-accused Tukuna was taken into custody and he has already been released on bail by this Court in BLAPL No.7454 of 2021. It is further submitted that in the meantime, on completion of investigation charge sheet has been submitted under sections 307/304 and 34 of the Indian Penal Code and sections 135 and 136 of the Odisha Electricity Act, 2003 and the allegation against the petitioner is not that specific and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State on the other hand, opposed the prayer for bail and submitted that due to electrocution, one Sukumari Behera succumbed to burn injuries tragically and as per the eye witness account, the petitioner fled away from the scene of occurrence.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders

before the learned Court below within a period of four weeks from today and moves for bail, the same shall be considered in accordance with law expeditiously and while disposing of the bail application, the learned Courts below shall consider the claim of parity with the co-accused, who is stated to have been released on bail, in accordance with law. The case records shall be made available to the Court concerned.

The ABLAPL stands disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

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