

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 443 of 2022

Bibhuti Pradhan

....

Petitioner

Mr. D. Das, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

26.07.2022

Order No.
05.

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 27.03.2019 in connection with Nayapalli P.S. Case No.162 of 2019 corresponding to C.T. No. 125 of 2019 pending in the Court of learned 3rd Addl. Sessions Judge, Bhubaneswar for the alleged commission of offence under Section 302 of IPC
4. It is alleged that the petitioner killed the deceased by assaulting him with a knife in course of a quarrel. The bail application of the petitioner was earlier rejected by this Court as per order passed in BLAPL No.7748 of 2019. While rejecting the bail application, this Court had considered the statement of the eyewitness, namely, Gunanidhi Hansda and had therefore, granted liberty to the petitioner to renew his prayer for bail after examination of the eyewitness.
5. This is how the petitioner has again approached this Court. It is submitted that in the meantime trial has already commenced with four witnesses having been examined

including the said Gunanidhi Hansda. From a copy of the deposition of Gunanidhi Hansda, who was examined as P.W.-1, it reveals that he has not supported the case of the prosecution at all. In so far as the other witness, Muralidhar Naik is concerned, from his statement recorded under Section 161 Cr.P.C. it would appear that the incident had occurred in course of a sudden quarrel on the spur of the moment and without any premeditation.

6. Considering the above facts, submissions, materials on record and the period of detention in custody, 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 without fail and in case of even a single default, this order shall be treated as automatically cancelled and necessary orders shall be passed by the Court below to take him to custody again.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules

(Sashikanta Mishra)
Judge

A.K. Rana