

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 978 of 2022

Rama Tudu ... **Petitioner**
Mr. B.N. Mohapatra,
Advocate

- Versus -

State of Odisha ... **Opposite Party**
Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
08.02.2022

Order No.
1.

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 04.07.2021 in connection with Bisoi P.S. Case No.89 of 2021 corresponding to S.T. Case No.68 of 2021 pending in the Court of learned Addl. Sessions Judge, Rairangpur for the alleged commission of offence under Sections 341/325/302/294/506 of IPC.
4. The allegation against the petitioner is that he killed his son by assaulting him with a wooden plank.
5. Learned counsel appearing for the petitioner referring to the statements of the witnesses recorded under Section 161 Cr.P.C. submits that the occurrence took place out of sudden quarrel without any premeditation or an intention to cause the death of the deceased. It is further submitted that there are materials on record to show that the deceased was himself the aggressor and the petitioner had only reacted to his overt acts.

6. Learned Addl. Standing Counsel opposed the prayer for bail by submitting that there is clear evidence of the petitioner assaulting the deceased on his head by means of a wooden plank, which suggests an intention to cause his death.

7. Having considered the rival submissions, the materials on record, the period of detention already undergone and the fact that the case has already been committed to Court of Sessions for trial coupled with the fact that the occurrence appears to have arisen out of a sudden quarrel without any premeditation, 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.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

A.K. Rana

(Sashikanta Mishra)
Judge