

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1022 of 2022

Baruna Gouda

....

Petitioner

Mr. L.Achari
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.K.Maharaj,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

17.3.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard Mr. L.Achari, learned counsel for the Petitioner and Mr. P.K.Maharaj, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 28th June, 2021 in connection with Bhanjanagar P.S. Case No.257/2021 corresponding to G.R. Case No.761/2021, which has presently been committed to the court of Addl. District-cum-Sessions Judge, Bhanjanagar in S.T. No.111/2021, for the alleged commission of the offence under Sections 302/120-B/34 of I.P.C.

4. The prosecution allegation is that because of prior dispute between the Petitioner and the deceased, he had an intention to kill the deceased, and hence, assaulted him. Accordingly, he hatched a plan and he along with his nephew and brutally assaulted the deceased while he was going on a public road by means of lathi and sticks causing fatal injuries.

5. Having regard to the fact that there are no eye-witnesses to the occurrence and moreover taking into consideration the nature of weapons used, it is difficult to form a definite opinion that the Petitioner acted with premeditation and with a definite intention to kill the deceased.

6. Having regard to the above, the period of detention in custody and the fact that charge sheet has already been submitted in the case, I am inclined to allow the prayer for bail.

7. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the trial court on each date of posting of the case without fail and in case of even one single default, N.B.W. shall be issued to take him to custody again. Further, he shall not approach, threaten, coerce or pressurise any of the family members of the deceased.

8. The BLAPL is disposed of.

9. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

