

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1032 of 2022

Udit Bagh

....

Petitioner

Mr. A.K.Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K.Mishra

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
09.2.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. Heard Mr. A.K.Sahoo , learned counsel for the Petitioner and Mr. S.K.Mishra, learned Addl. Standing Counsel for the State.
 3. The Petitioner is in custody since 9th July, 2021 in connection with Sundargarh Sadar P.S. Case No.121/2019 corresponding to G.R. Case No.662 of 2019 further corresponding to S.T. Case No. 114/30 of 2019-21, pending in the court of learned Addl. District & Sessions Judge, Sundargarh for the alleged commission of the offence under Section 302 of the IPC.
 4. The prosecution allegation is that, the petitioner in course of sudden quarrel, dealt a blow with a stick on the head of his wife causing her death.

5. Learned counsel for the petitioner submits that the occurrence arose without any premeditation or any intention to cause death of the deceased. Moreover, all the witnesses examined by the prosecution in the trial so far including the informant have not supported the case of the prosecution.

6. Learned Additional Standing Counsel on the other hand has opposed the prayer for bail by submitting that since trial is in progress and some more witnesses are required to be examined, it would not be proper to release the petitioner on bail.

7. Considering the rival submissions made, the materials on record, the period of detention already undergone as also the testimony of the informant during the trial, I am inclined to allow the prayer for bail.

8. 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 failing which appropriate adverse orders may be passed as may be deemed fit and proper.

9. The BLAPL is disposed of.

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

Dhal

(Sashikanta Mishra)
Judge