

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1045 of 2022

Suguda Marandi

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Petitioner

Mr. A.S.Nandy, Advocate

-versus-

State of Odisha

• • • •

Opposite Party

Mr. P.Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
10.2.2022.

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. Heard Mr. A.S.Nandy , learned counsel for the Petitioner and Mr. P.Tripathy, learned Addl. Standing Counsel for the State.
 3. The Petitioner is in custody since 2nd August, 2022, in connection with Jharpokhoria P.S. Case No.137/2020 corresponding to S.T. Case No. 16 of 2021 pending in the court of learned Additional Sessions Judge-II, Baripada for the alleged commission of offence under Sections 302 of the IPC.
 4. The prosecution allegation is that the petitioner and the deceased who were the brothers, had a sudden quarrel in course

of which the petitioner is said to have assaulted the deceased on his head by means of a brick due to which he died.

5. It is submitted by learned counsel for the petitioner that there was no premeditation or any intention on the part of the petitioner to kill the deceased. The entire incident happened on the spur of the movement.

6. Learned Additional Standing Counsel has opposed the prayer for bail by submitting that there are adequate materials to show that the petitioner being the aggressor had assaulted the deceased with the intention to take his life.

7. Considering the submissions made, the materials on record, the period of detention already undergone and the fact that the charge sheet has already been submitted in the case, I am inclined to allow the prayer for bail.

8. 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 in the aforesaid case including the condition that he shall personally appear before the trial court on each date of posting of the case, failing which necessary adverse orders may be passed against him.

9. The BLAPL is disposed of.

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

(Sashikanta Mishra)

Dhal

Judge

