

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1364 of 2022

Buskar Pujari

....

Petitioner

Mr. Mahes Das
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.K.Maharaj
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
08.4.2022.

Order No.

02.

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 19th September, 2021 in connection with Baliguda P.S. Case No.165/2021 corresponding to C.T. Case No.297/2021 pending in the court of learned S.D.J.M., Balliguda for the alleged commission of the offence under Sections 302/201 of the I.P.C.
4. It is alleged that the Petitioner committed murder of his son and attempted to conceal such fact by burying the dead body

inside a jungle. As it appears from the materials available on record, except for the purported extra judicial confession and statement under Section 27 of the Evidence Act, there is no other material to even remotely show the complicity of the Petitioner in the occurrence. On the contrary, there are materials to show that the deceased was a drunkard and used to assault his parents regularly. If such be the case, then, prima facie, it would be difficult to make out a case under Section 302 of I.P.C.

5. Considering the above facts, 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.

6. 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 it shall be open to the said court to pass necessary orders to take him to custody again.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

