

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 2177 of 2022**

***Fatu @ Hadibandhu Bindhani***

....

***Petitioner***

*Mr. A Mishra,  
Advocate*

*-Versus -*

***State of Odisha***

***Opposite Party***

....

*Mr. S.K. Mishra,  
Additional Standing Counsel*

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**29.03.2022**

**Order No.**

**1.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 02.04.2021 in connection with Jharpokharia P.S. Case No.75 of 2021 corresponding to S.T. Case No. 157 of 2021 pending in the court of learned Sessions Judge, Mayurbhanj for the alleged commission of offence under Section 302 of IPC.
4. From the materials on record, it appears that while the deceased was alone in her house the petitioner came there and attempted to have sexual intercourse with her but as the deceased refused he became engaged and assaulted her by means of a stone which ultimately led to the death.
5. Considering the submissions, materials on record and the statement of the witnesses available, it appears that the incident

took place under a sudden impulse without any pre-meditation. Under such circumstances, 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.

6. The BLAPL is accordingly disposed of.

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

**(Sashikanta Mishra)**  
**Judge**



*B,Swain*