

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2547 of 2022

Santosh Kumar Swain @ Santu

....

Petitioner

Mr. S. Mishra,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

11.4.2022.

Order No.

- 01.
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 5th January, 2022 in connection with Jatni P.S. Case No.625/2021 corresponding to G.R. Case No.663/2021 pending in the court of learned J.M.F.C., Jatni for the alleged commission of the offence under Sections 294/323/304 of I.P.C.
 4. The prosecution allegation is that one Dukhia Bhoi had committed theft of the bicycle of the Petitioner and had kept the same in front of her betel shop. Thereafter, the matter was

amicably settled, but the Petitioner was not satisfied with such settlement and he along with his family members abused the deceased in obscene language and also assaulted him, as a result of which he fell down and became unconscious. The post mortem report enclosed to the Bail Application clearly reveals that the cause of death is due to 'acute attack of chronic myocardiac infraction secondary to ischemic heart disease'. As it appears from the materials on record the death of the Petitioner most probably occurred due to heart attack and there is nothing on record to show that the same was caused due to assault by the Petitioner.

5. Having regard to the above facts and the period of detention in custody, I am inclined to allow the prayer for bail. 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 court below on each date of posting of the case without fail.

6. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

