

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3000 of 2022

Sankar Gouda & Others

.... **Petitioners**

Mr. K.P. Dash, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

27.04.2022

Order No.

1.

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 petitioners are in custody since 28th June, 2021 in connection with Bhanjanagar P.S. Case No.257/2021 corresponding to G.R. Case No.761/2021, which has presently been committed to the Court of Addl. District-cum-Sessions Judge, Bhanjanagar in S.T. No.111/2021, for the alleged commission of the offence under Sections 302/120-B/34 of I.P.C.
4. The prosecution allegation is that because of prior dispute between the petitioners and the deceased, they had an intention to kill the deceased, and hence, assaulted him. Accordingly, they hatched a plan and brutally assaulted the deceased while he was going on a public road by means of lathi and sticks causing fatal injuries.
5. Having regard to the fact that there are no eye-witnesses to the occurrence and moreover taking into consideration the nature of weapons used, it is difficult to form a definite opinion that the petitioners acted with premeditation and with a definite intention to

kill the deceased.

6. Having regard to the above, 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. Let the petitioners 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 they shall appear before the trial court on each date of posting of the case without fail and in case of even one single default, N.B.W. shall be issued to take them to custody again. Further, they shall not approach, threaten, coerce or pressurize any of the family members of the deceased.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

