

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3150 of 2022

Rudradev Beidick

....

Petitioner

Smt. M. Kanungo, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P.K. Maharaj, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

04.05.2022

Order No.

2.

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 14.05.2020 in connection with Nimapara P.S. Case No.105 of 2020 corresponding to G.R. Case No.278 of 2020 pending in the Court of learned J.M.F.C., Nimapara for the alleged commission of offence under Sections 341/294/323/324/326/307/302/506/34 of IPC.
4. The prosecution allegation is that the petitioner and his family members were constructing a fence on their boundary. At that time, the informant and others came to the spot and protested against such act, due to which the petitioner being enraged, assaulted the informant's brother-in-law (deceased) by means of a sharp cutting weapon (*Katuri*) causing grievous injuries on his head. Subsequently, the deceased succumbed to his injuries. It is submitted by learned counsel for the petitioner that even as per the prosecution case it was an act without any premeditation and arose out of a sudden quarrel.

5. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that the manner in which the offence was committed clearly suggests that the petitioner had definite intention to kill the deceased.

6. Considering the submissions, the materials on record, this Court is prima face view that it is difficult to ascribe a definite intention on the part of the petitioner to kill the deceased. Rather, the material suggests that the occurrence had taken place out of a sudden quarrel without any premeditation.

7. Considering the above facts as also taking into account the period of detention in custody, which is nearly two years, 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.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

A.K. Rana

(Sashikanta Mishra)
Judge