

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3917 of 2022

Niranjan Dalei

....

Petitioner

Ms. Dharanidhar Nayak, Sr. Adv.
along with Mr. B.K. Das

- Versus -

State of Odisha

....

Opposite party

Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.09.2022

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 26.01.2022 in connection with Soro P.S. Case No.47 of 2022 corresponding to C.T. Case No.108 of 2022 pending in the Court of learned J.M.F.C., Soro for the alleged commission of offence under Sections 379/294/506/354/302/323/34 of the I.P.C.
4. It is alleged that the petitioner and his associates assaulted the informant with the intention of killing her and forcibly snatching away a mobile phone and cash of rupees ten thousand from her box. When the daughter of the informant protested, she was abused in obscene language and also assaulted. The culprits are said to have also assaulted the father of the deceased due to which he sustained injury and died while undergoing treatment eight days later.
5. From the facts narrated in the F.I.R. and also other materials on record, it would be prima facie evident that the

deceased was assaulted while he protested the act of the petitioner. It cannot be said to be an act committed with premeditation or definite intention to kill the deceased, rather suggests that the deceased sustained injury in course of the assault which unfortunately led to his death eight days later. Charge sheet has already been submitted and case has already been committed to the court of sessions.

6. Taking all considerations of the facts, I am inclined to release the petitioner on 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 following conditions:

(i) He shall appear before the IIC of Soro Police Station on every Sunday at 10 a.m. till conclusion of the trial.

(ii) He shall also personally appear before the court below on each date of posting of the case and in case of even single default necessary orders shall be passed by the Court below to take him to custody again.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

Debasis Aech