

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4391 of 2022

Kusa Bagarti

....

Petitioner

Mr. D.R.Mishra
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K.Maharaj
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
15.7.2022.

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 3rd November, 2021 in connection with Purunakatak P.S. Case No.122/2021 corresponding to S.T. Case No.17/2022 pending in the court of learned District and Sessions Judge, Boudh, for the alleged commission of the offence under Sections 302/201 of I.P.C.
4. It is alleged that the Petitioner killed the deceased by assaulting her and throwing her into a covered well. The incident is said to have taken place in the night of 29th

September, 2021 and U.D. Case was registered. Two months later, i.e. on 3rd November, 2021, an F.I.R. was lodged as the informant supposedly came to know about the complicity of the Petitioner in the occurrence. It is submitted by Mr. Panda, learned counsel for the Petitioner, that there is absolutely no explanation for the delay in lodging of the F.I.R. The witnesses, who have implicated the Petitioner, are co-villagers and, therefore, it does not stand to reason that the informant would be aware of the role played by the Petitioner through them two months after the occurrence. Further, it is also not clear that whether the death is suicidal or homicidal in nature.

5. Considering the above facts and the period of detention in custody of the Petitioner, 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 personally 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

