

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4017 of 2021

Krushna Pujari

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.S. Pradhan, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

24.06.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.458 of 2018 corresponding to C.T. Case No.94 of 2018, pending on the files of learned Additional Sessions Judge, Jeypore, Dist-Koraput, arising out of Baipariguda P.S. Case No.55 of 2018 under Sections 307/324/302 of IPC and is in custody since 05.05.2018.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Jeypore, Dist-Koraput, by order dated 30.04.2021 in the aforementioned case, the present BLAPL has been filed.
5. Perused the Statement of the informant and father of the deceased Damu Pujari and the recitals in the Case Diary indicate that there was previous enmity between the families.

6. Admittedly deceased is related to the accused and as noted there was ill-feeling between the families relating to the cultivation of agricultural land. It is on record that on the fateful day the accused assaulted without any premeditation and which resulted in the deceased succumbing to the injuries in the hospital.

7. Taking note of the genesis of the offence and the period of custody for more than four years, this Court directs that the petitioner shall be released on bail on such terms to be fixed by the court in seisin of the matter so as to ensure the presence of the petitioner on each date of trial. It is further directed that till the conclusion of trial the petitioner shall appear before the jurisdictional Police Station once every week. First date of such appearance to be fixed by the learned Court in seisin over the matter.

8. In case of default on appearance as stipulated, it shall be open to the Court in seisin over the matter to commit the petitioner to custody after the due process of law with out any further reference to this Court.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi