

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 5274 OF 2022

***Ramesh Munda @
Bandra & another***

..... ***Petitioners***
Mr.A.K.Sahoo, Adv.

-versus-

State of Odisha

..... ***Opposite Party***
Mr. A.Pradhan, ASC

**CORAM:
JUSTICE V. NARASINGH**

ORDER
03.08.2022

Order No.

03.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. The Petitioners are accused in connection with C.T. Case No.1318 of 2019 arising out of Kuakhia P.S. Case No. 271 of 2019(further corresponding to C.T. (Sessions) Case No. 24/2020) pending on the file of learned Sessions Judge, Jajpur, registered for the alleged commission of offence under Sections 302/34 of the I.P.C.
4. Being aggrieved by the rejection of their application for bail U/s 439 Cr. P.C. by the learned Sessions Judge, Jajpur by order dated 23.05.2022 in CT.(Sess.) No. 24 of 2020, the present BLAPL has been filed.

5. Learned counsel for the petitioners submits that from the genesis of the offence and the compelling circumstances, under which the offence is stated to have been committed, it cannot be said to be a case under Sec. 302 of the I.P.C. and he relies on the statements of Sk. Forjin & Sk. Tazuddin.

6. It is on record that the deceased had entered into the house of the petitioners, when the petitioners, husband and wife were sleeping and in the melee that ensued the deceased got injured and ultimately succumbed to the injuries.

7. Considering the conduct of the deceased and the manner of the assault and being cognizant of the fact that the case has already been committed to the Court of Session, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

8. Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of this order as per Rules.

ORISSA

(V.Narasingh)
Judge

Dhal