

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5367 of 2022

Santosh Behera

.... Petitioner

Mr. A.S.Paul
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. S.Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

12.7.2022.

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 22nd January, 2022 in connection with Jankia P.S. Case No.31/2022 corresponding to G.R. Case No.128/2022 pending in the court of learned S.D.J.M., Khurda for the alleged commission of the offence under Section 302 of I.P.C.

4. It is alleged that the Petitioner gave two slaps to the deceased, who was an old lady, which resulted in her death. It is submitted that even as per the version of the eye witness namely, Kobara Behera there was no premeditation on the part of the Petitioner as he intended to abuse his children and since the deceased protested, he gave two slaps. On such basis, it is submitted that it cannot be said to be a case of murder.

5. Considering the submission as above, the materials on record and in particular the statement of Kobara Behera, 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 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