

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6279 of 2021

Durjya Mathapadia

....

Petitioner

Mr. A. Mishra, Advocate

-Versus -

State of Odisha

....

Opposite Parties

*Mr. S.K. Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

01.08.2022

Order No.

5.

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 in custody since 28.04.2021 in connection with Baipariguda P.S. Case No. 70 of 2021 corresponding to G.R. Case No. 350 of 2021 of the court of learned S.D.J.M., Jeypore for the alleged commission of offence under Sections 302/201/34 of IPC.
4. It is alleged that the petitioner and one Raghu Bergia assaulted the deceased by means of a bamboo causing severe injuries and thereafter they threatened to kill him. On the next morning, the dead body of the deceased was found. The post mortem report suggests that there was some burn injuries on the body of the deceased, whereas prosecution allegation is that the petitioner and the co-accused assaulted the deceased by means of a bamboo. It

further appears that except for some evidence relating to previous dispute between the parties, there is no legally acceptable evidence with regard to complicity of the petitioner in the occurrence. The petitioner appears to have been implicated only on the basis of his own confession before police.

5. Considering the above facts, the period of detention in custody and the fact that charge sheet has already been submitted, I am inclined to allow the prayer for 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 condition that he shall personally appear before the trial court on each date of posting of the case without fail.

6. The BLAPL is accordingly disposed of.

7. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

