

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6546 of 2021

Rabi Murmu

.... ***Petitioner***
Mr. S.K. Dash, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K. Nayak, A.S.C. for State

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
08.02.2022**

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Ghasipura P.S. Case No.118 of 2020, corresponding to G.R.(GN) Case No.202 of 2020 in S.T. Case No.17 of 2020, pending in the file of learned Additional Sessions Judge, Anandapur, for commission of alleged offence under Section 302 I.P.C.
3. Heard learned counsel for both the parties. Perused the case records.
4. Learned counsel for the Petitioner submits that the Petitioner has been custody since 14.07.2020. It is further submitted that out of 17 nos. of witnesses, 6 witnesses have been examined so far. In the F.I.R. it reveals that the informant had two Swans (Hansa) in his

house, who had given eggs near a palm tree. So, he wanted to catch them by using a net but he got information that the accused Rabi Murmu of Jhadeswar Majhi Sahi ate his two swans. It is further submitted that while the deceased was asked to pay the price of the said two swans, the accused Rabi Murmu quarreled with the informant and his father in front of his house by using filthy languages. When the father of the informant opposed to the accused Rabi Murmu, he threw a stone to the father of the informant, as a result of which, he fell down on the ground and sustained bleeding injuries on his body. Thereafter he was shifted to S.D.H. Anandapur for treatment and then to D.H.H., Keonjhar for treatment, but on the way he succumbed to the injuries.

5. Learned counsel for the State submits that on the basis of the F.I.R., the accused has been charged with the offence under Section 302 I.P.C. Learned State Counsel vehemently opposes the prayer for bail of the Petitioner. However, he submits that if the Petitioner is released on bail, stringent conditions may be imposed on the accused Petitioner.

6. Having heard learned counsel for the parties and considering the nature and gravity of offence alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner be on bail subject to furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two solvent sureties for the like amount to the satisfaction of the learned court in seisin of the matter subject to further conditions that the Petitioner shall cooperate with the investigation of the case and he shall not tamper with the evidence or show any threat to the prosecution witnesses, whatsoever.

7. With the above direction, the BLAPL is accordingly allowed.
8. Issue urgent certified copy on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

