

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7408 of 2021

Sudhir Das

....

Petitioner

Ms.Pratyusha Naidu, *Advocate*

-versus-

State of Odisha

....

Opposite Party

Mr .M.K.Mohanty, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.02.2022

Order No.

3. 1. This matter is taken up through Hybrid Arrangement (virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Gasaninuagaon P.S.Case No.82 of 2020, corresponding to S.T.Case No.106 of 2021, pending in the Court of the learned 1st Additional Sessions Judge, Berhampur for alleged commission of offence under Sections 341,323,302,294,506 of the Indian Penal Code.
4. Perused the case records.
5. Learned counsel for the Petitioner submits that the Petitioner is in custody since 13.05.2021 and he has been charge sheeted under section 341,323,302,294,506 of the Indian Penal Code. She further submits that the occurrence took place on 27.05.2020 and the F.I.R. was lodged on the very same day by the informant, who is the widow

of the deceased Trinath Das. She further submits that the present Petitioner and others had indulged in fighting with the deceased, whereafter the Petitioner picked up a wooden stick and with the help of that stick dealt a blow on the hand of the deceased. It is further submitted by the learned counsel for the Petitioner that one Kedar Das, who is the principal accused in this case had assaulted the deceased by means of a sword on the head of the deceased, as a result of which the deceased sustained serious bleeding injuries on the head and fell down on the ground and became unconscious. Thereafter the deceased was shifted to medical, where she succumbed to the injuries on the head.

6. Learned counsel for the Petitioner draws the attention of the Court to the P.M. report of the deceased, which reveals that the deceased had sustained a cut injury on the occipital region and one fracture on the left hand elbow joint. The injury no.1 i.e. cut injury on the occipital region, according to the Doctor, has been caused by heavy cutting weapon and the external injury no.2 was opined to have been caused by a hard and blunt weapons. Further, the Doctor, who had conducted the P.M. examination has opined that the cause of death was due to cranio-cerebral injuries and its complications thereof and external injury no.1 and its corresponding injury which were fatal in nature and in ordinary course of nature can cause death of a person.

7. It is further submitted by the learned counsel for the Petitioner that some of the co-accused persons, who stand on the similar footing with the present Petitioner have been enlarged on bail by this Court in BLAPL Nos.376,377 and 379 of 2021.

8. Learned counsel appearing for the State while vehemently opposing for release of the Petitioner on bail submits that the

Petitioner was very much present at the spot of occurrence and assaulted the deceased by means of a wooden stick, as a result of which the deceased has sustained fracture injury. As such the Petitioner is equally responsible for the death of the deceased.

9. Having heard learned counsel for the parties and considering the period of detention of the Petitioner as well as the nature of allegations involved and the role played by the Petitioner in the crime, I am inclined to release the Petitioner on bail in the above case, on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- i) shall not tamper with the evidence and threaten or influence the witnesses;
- ii) shall appear before the trial court on each and every date of trial of the case till conclusion of the trial.

10. Further, it is open to the court in seisin over the matter to impose any additional condition (s), if situation so warrants.

11. The BLAPL is accordingly disposed of.

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

RKS

(A.K. Mohapatra)
Judge