

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8471 of 2022

Raju Sahu

....

Petitioner

Mr. Dhal, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard Mr. Dhal, learned senior counsel for the petitioner and Mr. Karunakar Gaya, learned Additional Standing Counsel for the State.
3. The petitioner is an accused in G.R. Case No.157 of 2022, pending in the file of learned Additional Sessions Judge, Titlagarh, arising out of Titlagarh P.S. Case No.127 of 2022, offence under Sections 304/374/379 of IPC read with Section 4 of the Explosive Substances Act and Section 27(1)(h) of the Orissa Forest Act and is in custody since 27.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Titlagarh by order dated 20.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned senior counsel for the petitioner on the basis of recitals in the Case Diary that the case is

admittedly one under Section 304 of IPC and the cause of death has been due to asphyxia because of lack of oxygen. It is further submitted that in the meanwhile the matter has been committed; hence further continuance of the petitioner in custody is not warranted.

6. It is also on record that the son of the present petitioner because of his medical condition requires constant attention and on that score also, the learned senior counsel submits that the petitioner merely release on bail.

7. Learned counsel for the State opposes the prayer for bail.

8. Taking into account the period of custody and the health condition of the son of the petitioner as stated in the order of rejection, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi