

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7598 of 2021

Haribola Mohapatra

.... ***Petitioner***
Mr. D. Panda, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P.C. Das, A.S.C.
Mr. G. Behera, Advocate for Informant

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

03.01.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).
 2. Heard Mr. D. Panda, learned counsel for the Petitioner, Mr. G. Behera, learned counsel for the Informant and Mr. P.C. Das, learned counsel for the State.
 3. The Petitioner is an accused in G.R. Case No.233 of 2021 on the file of learned J.M.F.C., Pipili facing trial for commission of offence punishable under Sections 302/34, I.P.C.
 4. It is submitted on behalf of the Petitioner that the Petitioner is in custody since 03.04.2021 and further submitted that no specific overt act ascribed to the present Petitioner in the alleged crime. The statement recorded under Section 161, Cr.P.C. does not corroborate with the medical evidence as found in the post mortem report. Therefore, the bail application of the Petitioner may be considered.

5. Mr. Das, learned counsel for the State, on the other hand, submits that specific role has been ascribed to the Petitioner as the witnesses have stated that the Petitioner had put a pillow cover in the mouth of the deceased. However, he admits that cause of death stated in the post mortem report is different than role of the Petitioner ascribed in the alleged crime.

6. Mr. Behera, learned counsel appearing for the informant opposed the bail application of the Petitioner on the same ground as Mr. Das, learned counsel for the State has taken in this case.

7. Considering the materials available on record, facts and circumstances of the case, I am inclined to release the Petitioner on bail. Hence, it is directed that let the Petitioner be released on bail on such terms and conditions as would be deemed just and proper by the court in seisin over the matter in the aforesaid case.

8. The Bail Application stands disposed of accordingly.

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

(*A.K. Mohapatra*)
Judge