

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7733 of 2021

Arjun Khora

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

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.02.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in G.R. Case No.21 of 2021 arising out of Machkund P.S. Case No.40 of 2021 corresponding to C.T. Case No.74 of 2021 pending in the court of learned Additional Sessions Judge, Koraput for commission of offence punishable under Section 302, I.P.C.
5. The prosecution allegation, in a nutshell, is that on 03.05.2021 the informant's son, namely, Rajendra along with other villagers had been to the jungle, at that time all of a sudden the present Petitioner threw one barcha, which was hit to the head of the informant's son. It is further alleged that after hearing the same from one Pahalad Khora and Trinath Khora, the informant went to the jungle and brought back his son and thereafter he took him to Lamtaput and thereafter he was shifted to SLNMCH, Koraput where he succumbed to injury.

6. It is submitted by learned counsel for the Petitioner that neither the Petitioner had any knowledge or any intention to kill anybody and without knowing, threw the said weapon on the side of the bush but accidentally hit on the deceased and he sustained bleeding injury. He further submits that the injured was shifted to hospital where he succumbed to injury. He also submits that the Petitioner is innocent and the unfortunate incident happens while they were hunting in the jungle and he is ready and willing to abide the terms and conditions and there is no chance of absconding and fleeing from the hands of justice and he shall cooperate with the trial.

7. Mr. Mohanty, learned Additional Standing Counsel for the State vehemently, opposes the prayer for bail of the Petitioner.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not be involved in any offence of similar nature, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever and shall not make any default in attending the court during trial on each date without fail. Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

10. The Bail Application is accordingly disposed of.

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

(A.K. Mohapatra)
Judge