

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9124 of 2022

Rabindra @ Rabi Singh

....

Petitioner

Mr. S. Hota, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

15.11.2022

Order No.

- 03.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the Petitioner and learned counsel for the State.
 3. The Petitioner is an accused in S.T. Case No.104 of 2022 pending on the file of learned 2nd Addl. Sessions Judge, Baripada, arising out of Baripada Town P.S. Case No.965 of 2021, for commission of offence under Sections 498-A/302 IPC.
 4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Addl. Sessions Judge, Baripada by order dated 23.06.2022 in the aforementioned case, the present BLAPL has been filed.
 5. It is submitted by the learned counsel for the Petitioner that even if the entire allegation of the prosecution is accepted at its face value, the case under Section 302 IPC is not made out. Hence, his further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail relying on the statement of Chhotu Mukhi recorded under Section 164 Cr.P.C. and that of the witnesses Sasmita Singh and Sura Singh. Learned counsel for the State further submitted, relying on the post-mortem report, that the death of the deceased was due to corresponding injuries as indicated and as such there was no mitigating circumstances as claimed.

7. Learned counsel for the Petitioner has also relied on the very statements to fortify his stand that there was no premeditation in commission of the alleged offence.

8. This Court perused the statement of the witnesses, referred to hereinabove.

9. On a careful scrutiny of the aforesaid statement, it is clear that there is no premeditation in the unfortunate incident as it had happened in a fit of anger as vehemently submitted by the learned counsel for the Petitioner.

10. Taking note of the same, 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.

11. It is needless to state that the observations made hereinabove are for the purpose of consideration of the bail application of the present Petitioner and the same shall not be construed as an opinion regarding complicity of the Petitioner vis-à-vis materials on record.

12. The BLAPL thus stands disposed of.

13. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

PKS