

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9127 of 2022

Sukru Behera

....

Petitioner

Mr. U.C. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Patra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.10.2022

Order No.

02.

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.46 of 2022 pending in the file of learned Sessions Judge, Deogarh, arising out of Deogarh P.S. Case No.87 of 2022, for commission of the offence under Section 302 IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Deogarh by order dated 30.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 02.02.2022 and the charge sheet having been filed on 24.05.2022 and the manner in which the offence has taken place, his further continuance in custody is not warranted.
6. Learned counsel for the State opposes the prayer for bail.

7. The Petitioner-accused and the deceased are brothers. It is on record that their mother-Mandakini was staying with the Petitioner.

8. Perused the statement of the mother-Mandakini. It is clearly borne out from the said statement that the deceased abused his own mother and tried to attack her. And, at this stage the Petitioner intervened and snatched away the iron crowbar with which the deceased was trying to assault, from the hands of the deceased and dealt a blow.

9. The deceased ultimately succumbed to the injury suffered on account of such counter assault by the Petitioner.

10. Considering the statement of the mother of the deceased and the present Petitioner and keeping in view the compelling circumstance under which the Petitioner committed the offence and being conscious of the welfare of the widow-mother of the Petitioner, this Court is persuaded to direct the Petitioner, to be released on bail, on such terms to be fixed by the learned court in seisin over the matter.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS