

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9379 of 2022

Subash Kumar Paswan

....

Petitioner

Mr. M.R. Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
12.10.2022

Order No.

01.

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 C.T. Case No.1254 of 2022 pending in the file of learned S.D.J.M., Baripada, arising out of Bangiriposi P.S Case No.152 of 2022, for offence under Sections 279/307 IPC and is in custody since 13.07.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge (Vigilance), Baripda 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 had no mens rea and the unfortunate incident is an accident. Since the investigation has progressed substantially, his further continuance in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail on the ground that the act of the Petitioner accused is inherently so dangerous that he ought not to be released on bail at this stage.
7. Considering the background in which the alleged offence was committed, 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.
8. Accordingly, the BLAPL stands disposed of.
9. Urgent certified copy of this order be granted as per rule.

PKS

