

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 848 of 2022

Niranjan Dalei

....

Appellant

*Mr. A. Jena,
Advocate*

-Versus -

State of Odisha and another

....

Respondents

*Mr.P. Tripathy,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.11.2022

Order No.

7.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the appellant and learned counsel for the State.
3. The appellant is in custody in connection with Athagarh P.S. Case No. 182 of 2022 corresponding to C.T. Case No. 210 of 2022 pending in the court of learned Presiding Officer, Special Court under SC & ST (PoA) Act, Cuttack for the alleged commission of offence under Sections 304/120-B/201/34 of IPC read with Section 39 of the Indian Electricity Act.
4. It is alleged that the deceased was working in a poultry farm of the appellant. On the night of occurrence, he did not return home and could not be traced out, despite search through the night. On the next day, the deceased was found dead lying adjacent to the poultry farm with injuries on the back of his head.
5. In course of investigation, it was found that the deceased had come in contact with a live electric wire and had been electrocuted.

The report of the autopsy surgery clearly reveals the cause of death as electrocution. The injury on the head is also said to have been caused because of fall, which in turn, is due to electrocution.

6. Considering the above facts, prima facie, a case under Section 302 is not made out for which charge sheet has been submitted under Section 304 and allied offences. In such view of the matter, I find no justified reason to detain the appellant in custody any longer. The criminal appeal is therefore, allowed.

7. Let the appellant be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the following conditions:-

(i) He shall appear before the court in seisin over the matter on each date of posting of the case without fail.

(ii) He shall not threaten, coerce or pressurize the informant and prosecution witnesses in any manner whatsoever.

8. The CRLA is accordingly disposed of.

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

(Sashikanta Mishra)
Judge