

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9698 of 2022

Mahuri @ Mahuri Kishan ***Petitioner***

Mr. U.R. Jena, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.11.2022

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 G.R Case No.506 of 2018, pending on the file of learned S.D.J.M., Bonai, arising out of Lahunipada P.S Case No.131 of 2018, for commission of the alleged offence under Sections 302/34 IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Bonai by order dated 18.02.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that though the Petitioner is in custody since 27.02.2020, trial has not commenced.
6. It is submitted that background in which the offence has been committed in a fit of anger after altercation, it cannot be said

to be a case under Section 302 IPC, even if entire allegation of the prosecution is accepted at the face value.

7. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the Petitioner having admittedly dealt a blow to which the deceased succumbed, is not entitled to be released on bail.

8. This Court perused the statement of Kala Kishan, who has described the background in which the assault has taken place and it is also borne out from the said statement that the present Petitioner suffered injury in the altercation.

9. Taking into account the manner in which the assault has been made and the post-mortem report, which ascribed the death to excessive bleeding, this Court directs the Petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS