

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 8729 of 2021**

**Dengu @ Denga @ Jayasingh                      ...                      Petitioner**  
**Tiria**

Mr. P.S. Nayak, Advocate

- Versus -

**State of Odisha                      ...                      Opposite Party**

Mr. P. Tripathy,  
Addl. Standing Counsel

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**10.02.2022**

**Order No.**

**4.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 04.01.2021 in connection with Gondia P.S. Case No.02 of 2021 corresponding to C.T. (SS) Case No.44 of 2021 pending in the Court of learned District & Sessions Judge, Dhenkanal for the alleged commission of offence under Sections 302 of IPC.
4. The prosecution allegation is that on the date of occurrence, the petitioner assaulted the deceased by means of stone causing fracture injuries on his ribs, which ultimately led to his death.
5. It is submitted by learned counsel for the petitioner that the incident arose out of a sudden quarrel without any premeditation and moreover there was no intention on the part of the petitioner to kill the deceased. He has also referred to the statement of one Malati Mahanta, who is the eyewitness to the occurrence, in support of his contention.
6. Learned Addl. Standing Counsel has opposed the prayer for

bail by submitting that there is clear evidence that the petitioner assaulted the deceased by means of a stone which shows that he had full knowledge of the consequence of the act.

7. Considering the submissions as above, materials on record, the period of detention of the petitioner and the fact that charge sheet has already been submitted in the case, I am inclined to allow the prayer for bail. Let the petitioner 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 condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

*A.K. Rana*

**(Sashikanta Mishra)**  
**Judge**

