

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9848 of 2022

Jogia @ Jagannath Sahu

....

Petitioner

Mr. P.K. Mishra, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

29.11.2022

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 connection with G.R. Case No.279 of 2022, pending in the Court of the learned J.M.F.C., Parjanga, arising out of Parjanga P.S. Case No.291 of 2022, for alleged commission of offences under Section 302 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Kamakhyanagar, by order dated 26.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the petitioner is in custody since 09.06.2022 and charge-sheet has been filed on 18.08.2022.

6. It is further submitted by the learned counsel that the genesis of the incident is out of altercation on the spur of the moment and there has been no premeditation in committing the crime. As such ex facie it cannot be a case under Section 302 of IPC. Hence, as charge-sheet has already been filed and the petitioner has no criminal antecedent, his further continuance in custody is not warranted.

7. Learned counsel for the State opposes the prayer for bail relying on the post mortem report submits that there are corresponding injuries in conformity with the allegations.

8. This Court perused the statements of the witnesses Panchanan Sahu, Sarat Sahu and Lingaraj Sahu, who have stated the background in which the offence was committed.

9. Taking into account the genesis of the offence, 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

Ayesha