

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9970 of 2022

Prasanna Naik

....

Petitioner

Mr. S.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Patra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.10.2022

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 connection with G.R. Case No.317 of 2021, pending in the Court of the learned J.M.F.C., Daspalla, arising out of Daspalla P.S. Case No.195 of 2021, for alleged commission of offences under Section 304/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Nayagarh, by order dated 27.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the co-accused similarly circumstanced have been released on bail by this Court by order dated 22.02.2022 in BLAPL No.10649 of 2021.

6. Considering the nature of allegations and release of the co-accused and taking note of the submission of the learned counsel for the petitioner that even if the entire allegation of the prosecution is accepted at its face value, no intention can be attributed to the petitioner for killing the deceased and at best it can be an act of negligence, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.
7. Accordingly, the BLAPL stands disposed of.
8. Urgent certified copy of this order be granted as per rule.

Ayesha

