

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9445 of 2021

A.Rabi

....

Petitioner

Mr. Sarat Kumar Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

20.04.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the Case Diary, F.I.R. and statement of witness.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Rambha P.S. Case No.62 of 2020, corresponding to G.R. Case No.207 of 2020, pending in the court of learned J.M.F.C., Khallikote, for commission of alleged offences under Sections 304/201/202/34 of I.P.C.
4. The case of the prosecution, in a nutshell, is that one S.Punyabasi Das lodged a written report before the IIC, Rambha Police Station stating therein that on 18.3.2020 at 6 P.M. some of her villagers came to her house and called her husband deceased to attend a meeting at Village-Ainthabana. But her husband refused to go with them. After several requests her husband deceased agreed to go with them. At 2.30 AM, the accused persons are left with her

husband's dead body in front of her house. Further, it was alleged that some external injuries were noticed on the body of her husband.

5. Learned counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 08.09.2021. It is submitted that the investigation of the case has been over and charge-sheet has been submitted by the police. It is further submitted that while the deceased husband had gone to commit a theft, he came in contact with a live wire and died due to electrocution. It is further submitted that Petitioner is no way responsible for the death of the deceased.

6. Learned counsel for the State on the other hand opposes the bail application of the Petitioner. He submits that Petitioner was in the house and he was called from his house by Petitioner and others to attend the meeting, who subsequently got electrocuted. He, however, submits in the event of release of the Petitioner, stringent conditions may be imposed.

7. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter. The trial court is directed to impose the terms and conditions as deem fit and proper in the facts and circumstances of the case.

8. With the above direction, the BLAPL is accordingly allowed.

// 3 //

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

