

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9518 of 2021

Suresh Patra

....
Petitioner
Mr.B.K. Nayak, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr.A.N. Pradhan, Addl. Standing Counsel

CORAM:
JUSTICE R.K. PATTANAİK

Order No.

ORDER
12.01.2022

01.

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Tumudibandha P.S. Case No.66 of 2021 corresponding to C.T. Case No.87 of 2021 pending in the court of learned J.M.F.C., Tumudibandha on the grounds stated therein.
4. Perused the F.I.R. as at Annexure-1 and the impugned order dated 08.10.2021 i.e. Annexure-2.
5. Gone through the contents of the F.I.R.
6. Learned counsel for the petitioner submits that the accused is in custody since the month of September, 2021 and the allegation is that he hit two pedestrians and caused their death by negligently driving the vehicle and considering the circumstances under which the accident took place, he should be enlarged on bail, which is

objected to by the learned counsel for the State by referring to Annexure-2 which revealed that the accused was under the influence of alcohol.

7. Admittedly, on account of the alleged incident, two persons have died. It is alleged that the petitioner was driving the vehicle being grossly negligent. The impugned order dated 08.10.2021 further revealed that the vehicle hit a road side tree after having dashed the victims. It is submitted by learned counsel for the petitioner that the vehicle had a mechanical failure. However, the learned counsel for the State submits that the petitioner was under intoxication for which the accident took place.

8. Considering the above facts, submissions made and the period of detention which is from the month of September, 2021, the Court is inclined to release the petitioner on bail with conditions.

9. Accordingly, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.40,000/- (rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below, who shall impose such other conditions, as would be deemed just and proper, in the facts and circumstances of the case.

10. The BLAPL is accordingly disposed of.

11. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587,

dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(R.K. Pattanaik)
Judge

KC Bisoi

