

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10770 of 2022

Rajendra @ Rajin Rohidas

Petitioner

Mr. D.R. Mishra, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in S.C. Case No.89 of 2022 corresponding to G.R. Case No.309 of 2022, pending on the file of the learned Sessions Judge, Balangir arising out of Balangir Town P.S. Case No.85 of 2022, for commission of alleged offences under Sections 302 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Bolangir, by order dated 12.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner is in custody since 05.03.2022 and charge sheet has been filed on 02.07.2022. Relying on the statement of informant wife of the deceased cited as C.W.-1 and the mother of the petitioner and the deceased C.W.7. It is

submitted that even if the entire prosecution is accepted at its face value, no case under Section 302 of IPC is made out.

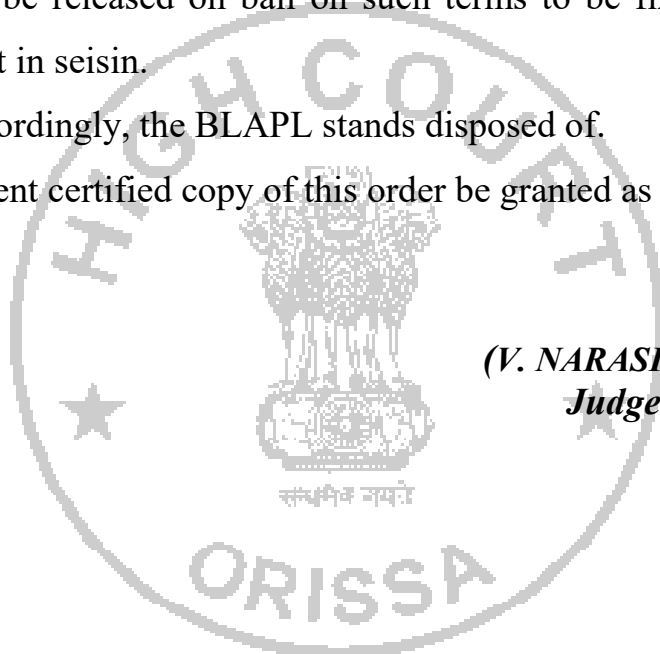
5. It is borne out from the record an altercation took place between the present petitioner and the deceased, who is younger one and C.W.7 who is the mother has narrated the circumstances under which the offence was committed. The post mortem report placed on record confirms the allegations as leveled.

6. Considering the manner in which the offence has taken place, prima facie without any premeditation, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of this order be granted as per rule.

Santoshi



(V. NARASINGH)
Judge