

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10019 of 2021

Abhaya Kumar Jani

...

Petitioner

Mr. S.K. Rout, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. P. Tripathy,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.01.2022

Order No.

1.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel.
3. The petitioner is in custody since 23.08.2021 in connection with Puruna Kataka P.S. Case No.19 of 2021 corresponding to C.T. Case No.19 of 2021 of the Court of learned J.M.F.C., Harabhangra for the alleged commission of offence under Sections 294/341/506/326/307 of IPC read with Sections 25 and 27 of Arms Act.
4. The allegation is that the petitioner being armed with a country made gun abused the informant in obscene language and when his elder brother tried to intervene, the petitioner shot him from his gun causing severe bleeding injury on his person.
5. It is submitted that the matter has arisen out of a sudden quarrel and there was no intention on the part of the petitioner to kill the informant or the injured victim and in any case, the injuries sustained by the victim not being grievous, he has already been discharged from the hospital. It is further submitted that in the meantime charge sheet having been submitted, the

case has been committed to the Court of Sessions for trial.

6. Learned Addl. Standing Counsel has opposed the prayer for bail and submitted that the petitioner willfully fired his gun solely with intention to cause the death of the victim, which caused grievous injuries.

7. Considering the submissions made, the materials on record, period of detention already undergone and the fact that the case has already been committed to the Court of Sessions, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial court on each date of posting of the case without fail.

8. BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge

A.K. Rana