

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10061 of 2021

Prasanta Behera and others

....

Petitioners

Mr. P.K.Pradhan
Advocate

-versus-

State of Odisha

....

Opposite Party

Miss.S.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.01.2022.

Order No.

01. 1. This matter is taken up through virtual mode.
2. Heard Mr. P.K.Pradhan, learned counsel for the Petitioners and Miss.S.Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioners are in custody since 20th October, 2021 in connection with Handapa P.S. Case No.254/2021 corresponding to G.R. Case No.913/2021 pending in the court of learned S.D.J.M., Athmallik for the alleged commission of the offence under Sections 304/120(B) of I.P.C. and Section 135 of the Electricity Act.

4. The allegation against the Petitioners is that they brought a live electric wire by attaching G.I. wire to the 11 KV line near the agricultural field of the village with the intention of trapping wild animals like boars. However, the deceased having accidentally come in contact with such live wire was electrocuted and lost his life. It is submitted that even assuming that the allegation is correct, there is nothing even remotely to suggest that the Petitioners had any intention to kill the deceased or that they bore any ill will against him.

5. Learned Addl. Standing Counsel for the State, on the other hand, has referred to the statements of several witnesses recorded by the I.O. to submit that the Petitioners had full knowledge of the consequences of their act and, therefore, must be held to be responsible for the death of the deceased.

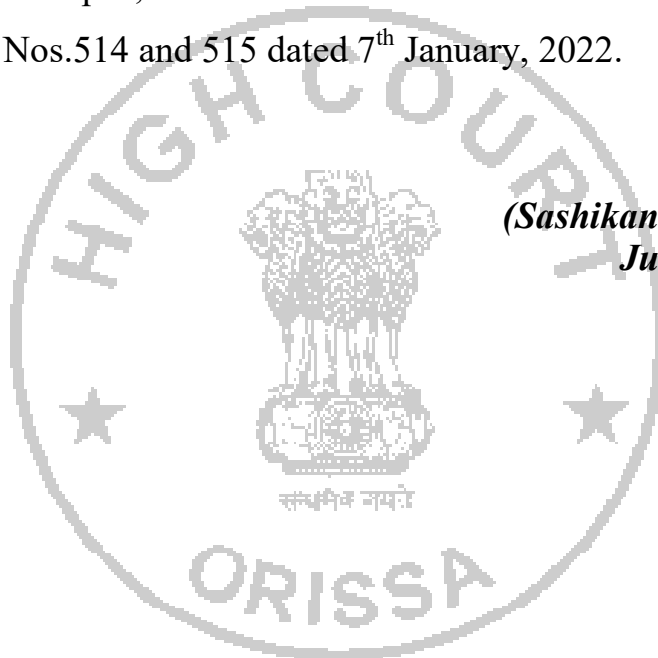
6. Having regard to the submissions made above, the materials on record, the period of detention already undergone and the fact that there is no specific allegation against the Petitioners of committing the occurrence with the intention of killing the deceased, I am inclined to allow the prayer for bail.

7. Let the Petitioners be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that they shall appear before the trial court on each date of posting of the case without fail.

8. The BLAPL is 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.

AKB



(Sashikanta Mishra)
Judge