

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10080 of 2021

Kuna Swain

....

Petitioner

Mr. A. Mohanty, Advocate

- Versus -

State of Odisha

....

Opposite Party

Mr. A. Pradhan, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

10.05.2022

Order No.
02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 26.02.2020 in connection with Chandrasekharpur P.S. Case No.104 of 2020 corresponding to C.T. Case No.8/150 of 2020 pending in the Court of learned 2nd Additional Sessions Judge, Bhubaneswar for the alleged commission of offence under Section 302 of IPC.
4. This is a case of patricide. The prosecution allegation is that the petitioner, who is the son of the deceased, assaulted him by means of a wooden plank. The materials on record clearly show that the incident arose out of a sudden quarrel when the deceased demanded money from the petitioner to buy liquor.
5. Having regard to the submissions, materials on record, the period of detention in custody without trial and the fact that prima facie there are no materials to suggest that the act was committed with a premeditation or with a definite intention to kill the deceased, 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.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

