

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10580 OF 2021

Nandakishor Sahu @ Nandi

....

Petitioner

Mr.J. Sahu, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. A. Pradhan,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

11.02.2022

Order No.
02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 05.09.2021 in connection with Jharbandh P.S. Case No. 120 of 2021 corresponding to G.R. Case No. 824 of 2021 pending in the court of learned S.D.J.M., Padampur for the alleged commission of offence under Sections 452/302 of IPC.
4. It is submitted that the incident arose out of a sudden quarrel without any premeditation and there was no intention on the part of the petitioner to kill the deceased.
5. Learned Additional Standing Counsel has opposed the prayer for bail by submitting that the question of absence of intention can only be established during trial.
6. Considering the submissions as above, the materials on record, the period of detention already undergone and the fact

that the incident appears to have arisen out of a sudden quarrel without any premeditation, 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 on each date of posting of the case without fail.

7. The BLAPL is accordingly disposed of.

8. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge



B.C. Tudu