

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11053 of 2021

Litu @ Dinesh Kumar Mohapatra @ **Petitioner**
Dinesh Mohapatra

Mr. L. Mohapatra, Advocate

- Versus -

State of Odisha **Opposite Party**

Mr. P.K. Maharaj, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

16.03.2022

Order No.
3.

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 16th October, 2021 in connection with Infocity P.S. Case No.222/2021 corresponding to C.T. Case No.5603/2021 pending in the court of learned S.D.J.M., Bhubaneswar, presently committed to the Court of Sessions in 3rd Additional Sessions Judge, Bhubaneswar as Crl. Trial No. 34 of 2022, for the alleged commission of the offence under Section 364(A)/302/201/34 of I.P.C.
4. The prosecution allegation is that the Petitioner along with some of his friends including the deceased went to a bar and consumed alcohol, in course of which the deceased was asked to pay the bill for which he called his mother over phone and requested her to send a sum of Rs.8,000/-. His mother sent the said amount in Phone Pe. Subsequently there was some dispute and quarrel between the friends, in course of which the deceased is said to have been assaulted by his friends. Later he was found dead in a

pond.

5. It is submitted by learned counsel for the Petitioner that there is absolutely no material to show even prima facie the commission of the offence under Section 302 of I.P.C. Referring to the post mortem report, it is submitted that the autopsy surgeon has clearly opined that the cause of death was sudden cardiac arrest with features of asphyxia resulting from alcoholic intoxication and further there are no injuries found on the body of the deceased.

6. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that notwithstanding the post mortem report the fact that the deceased was assaulted by his friends which may have led to his death cannot be ruled out.

7. Considering the rival submissions, the materials on record, the period of detention already undergone and the fact that charge sheet has already been submitted in the case coupled with the fact that the post mortem report clearly shows that the deceased died due to cardiac arrest with features of asphyxia resulting from alcoholic intoxication, I am inclined to allow the prayer for bail. Let the Petitioner 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 he shall appear before the trial court on each date of posting of the case without fail.

8. The BLAPL is disposed of.

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

(Sashikanta Mishra)
Judge