

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11483 of 2021

Sushil Bag

....

Petitioner

*Mr. Susanta Kumar Sahu,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. K.K. Das,
Addl. Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

28.01.2022

Order No.

1.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is in custody since 07.08.2020 in connection with Dhama P.S. Case No. 137 of 2021 corresponding to G.R. Case No. 2922 of 2021 pending in the court of learned S.D.J.M., Sambalpur for the alleged commission of offence under Sections 302/294/506/43 of IPC.
4. The sole allegation against the petitioner is that in course of a quarrel between the family members, the petitioner pushed the deceased, who is the mother-in-law of the informant, due to which she fell on the ground and sustained injuries and subsequently died.
5. It is submitted by learned counsel for the petitioner that the entire incident arose out of a sudden quarrel without any premeditation or intention on the part of the petitioner to kill the deceased.

6. Learned Additional Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that there is clear proof that the petitioner deliberately pushed the deceased, resulting in fatal injuries on her person.

7. Having regard to the submissions made, 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, 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.

5. The BLAPL is accordingly disposed of.

6. 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