



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9077 of 2025

Sridhar Pradhan @ Shyam ... Petitioner
Pradhan @ Sham

Mr.S.C.Mohapatra, Sr. Advocate along with
Mr.S.Mohapatra, Advocate

-versus-

State of Odisha ... Opposite Party

Mr. P.Satapathy, Addl. PP

CORAM:JUSTICE G. SATAPATHY
ORDER(ORAL) 15.04.2026

Order No.

04.

1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Sadar PS Case No.54 2024 corresponding to ST Case No.148 of 2024 pending in the file of learned 1st Addl. Sessions District Judge, Cuttack for commission of offences punishable U/S. 302 of IPC, on the main allegation of committing murder of the deceased Tutu @ Rajesh Sahoo by stabbing his abdomen with a big knife.

2. In the course of hearing, Mr.Soura Chandra Mohapatra, learned Senior Counsel who is being assisted by Mr.S.Mohapatra, learned counsel for the petitioner alternatively submits that even if the materials on record are taken into consideration, no case U/s. 302 of IPC is attracted against the petitioner since the deceased was the aggressor and many times, he had attacked the petitioner and out of sudden provocation and in heat of passion, the petitioner might have stabbed the deceased, but he has got no real intention to kill the deceased and, therefore, the petitioner having already detained in custody for more than two years and trial been proceeding at snail's pace with



examination of only one witness and declining of three witnesses, the petitioner may kindly be granted bail.

2.1. On the other hand, Mr.P.Satapathy, learned Addl. PP by placing the statement of eye witness submits that the petitioner is prima facie involved in a case of murder of the deceased, but so far the alternative plea as advanced for the petitioner being not in conformity with a case of murder and, therefore, the petitioner having been found to have committed murder of the deceased, his bail application may kindly be rejected.

3. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioner for stabbing the deceased, but the post mortem report reveals only one elliptical shape stab wound just above the iliac crest of the deceased and there being hot exchange of words and quarrel allegedly between the deceased and the petitioner just before the occurrence as disclosed the copy of charge sheet and keeping in view the pre-trial detention of the petitioner in custody since 22.01.2024 with examination of only the informant in the meantime and declining of three witnesses and trial being remotely possible to be concluded in near future and taking into account the other circumstances on record in entirety including the inherent right of the accused to be presumed innocent until proven guilty at the trial and the circumstance under which the transaction took place and there being no material collected by the prosecution to indicate about possibility of abscondance of the petitioner at the trial, this Court without expressing any view on merits admits the petitioner to bail.



4. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) only with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following conditions:-

*(i) the petitioner in the course of trial shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and shall cooperate with the trial. **In case the Petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.269 of BNSS in accordance with law.***

(ii) the petitioner shall not threaten, induce, influence or coerce any of the witnesses including the family members of the informant acquainted with the facts of the case so as to dissuade them from disclosing such facts before the Court.

5. Accordingly, the BLAPL stands disposed of. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge