

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 71 of 2022

Kumudini Kumura and another ***Petitioners***

Mr. Smruti Ranjan Mohapatra,
Advocate

-Versus -

State of Odisha

Opposite Party

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Mr. A. Pradhan,
Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
08.02.2022

Order No.
3.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. The petitioners are in custody since 24.10.2021 in connection with Reamal P.S. Case No. 224 of 2021 corresponding to C.T. Case No. 447 of 2021 pending in the court of learned J.M.F.C., Reamal for the alleged commission of offence under Sections 302/34 of IPC.
4. The allegation is that a nine years old girl was found hanging from a tree in the village. As she used to visit the house of the petitioners frequently, it was suspected that they might have killed her.
5. Learned counsel for the petitioners has argued that except for suspicion there is not an iota of evidence to even suggest that the petitioners had any role to play in the death of the deceased.

6. Learned Additional Standing Counsel for the State has opposed the prayer for bail by submitting that if the statement of all the witnesses are read as a whole it would suggest that the deceased used to visit the house of the accused persons and was also assaulted by them on several occasions and therefore in all likelihood they must have committed the crime.

7. Considering the rival submissions, the materials on record, the period of detention already undergone and the fact that there is no material whatsoever to link the petitioners with the alleged occurrence, I am inclined to allow the prayer for bail. Let the petitioners 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 they shall personally appear before the trial court on each date of posting of the case and in case of even a one default, there shall be necessary orders shall be passed to take them into custody.

8. The BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge