

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 230 of 2022**

**Gopa Rai & another** ..... **Petitioner**

Mr. R. Agarwal, Advocate

- Versus -

**State of Odisha** ..... **Opposite Party**

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

Mr. S. Hota, Advocate (for informant)

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**  
**25.03.2022**

**Order No.**

**2.**

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 no.1 is in custody since 07.12.2021 and petitioner no.2 is in custody since 03.12.2021 in connection with Khaparakhhol P.S. Case No.207 of 2021 corresponding to G.R. Case No.1046 of 2021 pending in the Court of learned S.D.J.M., Patnagarh for the alleged commission of offence under Sections 498-A/302/34 of IPC.
4. The prosecution allegation is that the petitioners, who are father-in-law and mother-in-law of the deceased victim, committed her murder by strangulating her with a scarf (*odhani*) and thereafter attempted to project it as a case of suicidal hanging.

5. It is submitted by learned counsel for the petitioner that there are absolutely no materials to link the petitioners with the occurrence and that the FIR story is also vague and based on hearsay.

6. Learned State Counsel has opposed the prayer for bail by submitting that some witnesses including a neighbor have stated about the deceased have subjected to cruelty by her in-laws and husband.

7. Mr. S. Hota, learned counsel appearing for the informant has also opposed the prayer for bail by submitting that the occurrence took place in the dead of the night and since there is other plausible explanation the alleged suicide committed by the deceased coupled with the fact that there is some evidence of torture inflicted on the deceased prior to the occurrence, it must be reasonably presumed that the petitioners had a definite role to play in the death of the deceased.

8. As it appears, the FIR was lodged by the brother of the deceased and though there are direct allegations against the petitioners, yet the source of such information has not been indicated. That apart, the statements of the witnesses appear to be rather omnibus in nature.

9. Having regard to all the above facts as also the fact that charge sheet has already been submitted in the case, 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 Court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the Court to take them to custody again.

10. BLAPL is accordingly disposed of.

11. Issue urgent certified copy as per rules.

***(Sashikanta Mishra)***  
***Judge***

***A.K. Rana***

