

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2613 of 2022

Sandhyarani Jena and another

.... Petitioners

Mr. A.K. Panda, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. M. Mishra, ASC

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
03.11.2022**

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the petitioners for grant of bail in connection with Baliapal P.S. Case No.166 of 2021 corresponding C.T. Case No.603 of 2021 pending in the Court of learned J.M.F.C., Basta for commission of offences punishable under Sections 302/201/34 of I.P.C., on the allegation of committing murder of one Kangali @ Tarun Kumar Patra and causing disappearance of evidence by disposing of the dead body.
 3. In the course of hearing of the bail application, learned counsel for the petitioners submits that there is no eye witness to the occurrence and the implication of the petitioners is only on the basis of some circumstance like mark of stain of blood from the house of the petitioners to the paddy field and there is no clinching material on record to justify the further detention of the petitioners in judicial custody. It is also submitted that around five witnesses have already been examined in this case, but no evidence has surfaced against the

petitioners and, the petitioners, therefore, being innocent of offences may kindly be enlarged on bail.

4. On contrary, learned counsel for the State by placing the statement of one Basanti Jena submits that the gruesome incident was witnessed by said Basanti Jena and the petitioners being the real culprits of the crime, may not be released on bail.

5. Considering the rival submissions advanced on behalf of the parties and taking into consideration the other materials on record including the statement of Basanti Jena and the order of rejection of bail by the learned Sessions Judge, Baleswar and keeping in view the manner and circumstances of murder as also the circumstances appearing against the petitioners, this Court, therefore, does not consider it proper to grant bail to the petitioners.

6. Hence, the prayer for bail of the petitioners' stands rejected. Learned counsel for the petitioners submits that liberty may be granted to the petitioners to renew their prayer for bail after examination of witnesses Basanti Jena, Abhimanyu Jena, Rajendra Patra and Kamalalochan Jena. Needless to say that the petitioners may renew their prayer for bail after examination of these witnesses.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge