

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3371 of 2022

Ranju Paikaray & another

....

Petitioners

Mr.Bibhu Pr.Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.05.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as the learned Additional Standing Counsel for the State.
4. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release them on regular bail in connection with Gadishagoda Joda Padar P.S. Case No.90 of 2020 corresponding to G.R.Case No.2159 of 2020 pending in the Court of the learned J.M.F.C.-cum-Grama Nyalaya Brahmagiri for commission of an alleged offence under Sections 498-A,304-B/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.
5. It is submitted by the learned counsel for the Petitioners that the Petitioners are languishing in jail custody since 12.04.2022 and after completion of investigation charge sheet has been filed by the Investigating Agency. It is further contended by the learned counsel for the Petitioners that the Petitioners are the mother-in-law sister-in-law of the victim. It is further submitted by the learned counsel for the

Petitioners that the Petitioners who are ladies have not taken any active part in the alleged commission of the crime. One of the co-accused has been released on bail. It is submitted by the learned counsel for the Petitioners that since the Petitioners are the inhabitants of Puri district, there is no chance of their absconding or fleeing from receiving justice. In the event of their release by this Court, the Petitioners shall appear before the trial court on each date of posting of the case and they are ready and willing to abide by the conditions that may be imposed by this Court.

6. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioners and submits that the Petitioners who have committed murder of an innocent deserve no leniency to be released on bail. Accordingly learned Additional Standing Counsel urges rejection of the application of the Petitioner.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation made in the F.I.R. as well as the custodial detention of the Petitioners and the fact that the Petitioner have no not taken any active part in the alleged crime, this court is inclined to grant bail to the Petitioners and it is directed that let the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) each with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) they shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.

- iii) shall not indulge in any offence of similar nature
 - iv) shall not tamper with the prosecution evidence while on bail.
 - v) shall not influence or threaten any prosecution evidence while on bail.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may also impose any other condition(s) as deem fit and proper.
9. The Bail Application is accordingly disposed of.
10. Issue urgent certified copy of this order in course of the day.

RKS

