

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3377 of 2022

***Radha @ Sukuri Jena and
another***

....

Petitioners

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
11.08.2022**

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in S.T. Case No.133 of 2021 (Arising out of C.T. Case No.164 of 2021), on the files of learned II.nd Additional District and Sessions Judge, Balasore arising out of Soro P.S. Case No.0077 of 2021, under Sections 302/201 and 34 of IPC and is in custody since 23.02.2021.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Balasore, by order dated 23.03.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that there are no materials on record to implicate the petitioners and it is solely based

on so called extra Judicial confession made by one of the accused namely Petitioner No.1 Mother of the deceased.

6. Per contra learned counsel for the State relying on the statement of one Debendra Mallick (Sarpanch) witness to the extra judicial confession submits that both the petitioners have committed the offence under Section 302/201 of IPC and there are no mitigating circumstances.

7. Considering the statement of Debendra Mallick and the roles ascribed to the Petitioner No.2, this Court is not inclined to entertain the bail application of Petitioner No.2. The same accordingly stands rejected.

8. Taking into account the Petitioner No.1 is a lady and keeping in view the proviso under Section 437(1) of IPC and the statement of the Debendra Mallick (Sarpanch) adverted to herein above, this Court directs the Petitioner No.1 to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi