

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3790 of 2022

Saraswati Swain and another

....

Petitioners

Mr. D.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. B. Panigrahi, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

03.08.2022

Order No.

01.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.498-A/436/307/302/304-B/34, I.P.C. and Sec.4 of the D.P. Act.

2. Heard Mr. D.K. Sahoo, learned counsel for the Petitioners as well as Mr. B. Panigrahi, learned A.S.C. for the State-Opposite Party.

3. It is submitted that both the Petitioners were woman and Petitioner No.1 is aged about 60 years, who is the mother-in-law, and Petitioner No.2 is aged about 31 years, who is the unmarried sister-in-law, of the deceased and they are inside custody since 3.12.2018. It is further submitted that in the meantime 21 witnesses have been examined and all such witnesses, except the informant and his relatives, have turned hostile. It is also submitted that the alleged story of oral dying declaration is not believable keeping in view the extent of injuries, which is 98%. It

is further submitted that other co-accused persons have been released on bail in the meantime.

4. After hearing Mr. B. Panigrahi, learned Additional Standing Counsel for the State-Opposite Party and upon perusal of depositions of the witnesses as well as the period of detention of the Petitioners inside custody, it is directed to release the Petitioners on bail in connection with Marshaghai P.S. Case No.207/2018 corresponding to S.T. Case No.190/2019 on such terms and conditions to be fixed by the learned Addl. Sessions Judge, Kendrapara or the court in seisin over the matter as he deems just and proper including the condition that the Petitioner shall attend the trial court on each date fixed.

5. The copies of the depositions of P.Ws.10 to 21 as filed by learned counsel for the Petitioners are kept on record.

6. The BLAPL is disposed of.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge