

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5168 of 2022 &

BLAPL No. 4750 of 2022

BLAPL No. 5168 of 2022

Manjulata Jena

....

Petitioner

Mr. S.R. Paikray, Advocate

-Versus -

State of Odisha

....

Opp.Party

Addl. Standing Counsel

BLAPL No. 4750 of 2022

Basanti Jena

....

Petitioner

Mr. S.R. Paikray, Advocate

-Versus -

State of Odisha

....

Opp.Party

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

21.10.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 22.12.2021 in connection with Soro P.S. Case No.491 of 2021 corresponding to C.T. Case No.1051 of 2022 pending in the Court of learned J.M.F.C., Soro for the alleged commission of offence under Sections 498-A/304-B/302/34 of IPC read with Section 4 of D.P. Act.
4. The petitioner- Manjulata Jena is the elder sister-in-law while the petitioner- Basanti Jena is the mother-in-law of the

deceased. It is submitted that the petitioners were implicated in the case entirely on omnibus allegations. Learned counsel for the petitioners has referred to the statement of the younger sister of the deceased, who incidentally is also named Basanti Jena, who had come to the house of the deceased on the day before the occurrence. Reading of the statement of Basanti Jena would reveal that she has stated about demand for dowry by the in-laws of the deceased but in general terms. She has also referred to some day to day quarrels. On the previous day, the sister of the deceased had come to the village and had also gone to watch *jatra* with the petitioner-Majulata Jena. She alleges that when the deceased also wanted to watch *jatra*, Manjulata Jena did not allow her saying that she should stay at home as her elderly parents were there. According to learned counsel for the petitioners, these are all omnibus allegations and cannot point a definite finger of guilt at the petitioners.

5. Mr. M.R. Mishra, learned Addl. Standing Counsel for the State has opposed the prayer for bail by submitting that if the statement of the victim's sister is read as a whole it would clearly show that the deceased was subjected to cruelty soon before the occurrence and therefore, *prima facie*, a case under Section 304-B of IPC is well made out.

6. I have considered the rival submissions and have also gone through the materials on record particularly, the statement of the sister of the deceased. I am unable to agree with the contention of learned State Counsel that there is anything specific to suggest that the deceased was subjected to cruelty soon before the occurrence. There is some material to

show misunderstanding between Manjulata and the deceased but the same cannot be given the colour of cruelty within the meaning of Section 304-B of IPC.

7. Taking into consideration all the above facts as also the period of detention of the petitioners in custody, I am inclined to allow the prayer for bail. Let the petitioners 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 they shall personally appear before the trial Court on each date of posting of the case without fail.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

