

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5228 of 2021

Kasturi Swain

....

Petitioner

Mr. S.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

20.05.2022

05. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. for grant of bail to the petitioner in connection with Badagada P.S. Case No.129 of 2020 corresponding to S.T. Case No.32 of 2021 pending in the Court of learned Addl. Sessions Judge, Bhanjanagar, Ganjam for alleged commission of offences under sections 302/304-B/498-A/201/120-B of the Indian Penal Code read with section 4 of D.P. Act.

Learned counsel for the petitioner submitted

that the petitioner is the mother-in-law of the deceased Tikina Swain and she is in judicial custody since 21.05.2020 and the earlier bail application of the petitioner was rejected in BLAPL No.5657 of 2020 vide order dated 05.01.2021 and liberty was granted to the petitioner to renew the prayer for bail after examination of the material witnesses in the learned trial Court.

Learned counsel for the petitioner submitted that in the meantime, trial has commenced and eleven witnesses have been examined and not a single witness has stated anything against the petitioner rather the informant (P.W.1) has stated that the dead body of the deceased was shifted to the cremation ground after taking his consent and he had also gone there. He further submitted that before marriage, the deceased was also having ailments and she was often becoming unconscious.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced so far in the learned trial Court, the period of detention of the petitioner in judicial custody, the change in the circumstances after rejection of the earlier bail application and keeping in view the proviso to section 437(1) of Cr.P.C., I am inclined to reconsider the prayer for bail and direct the

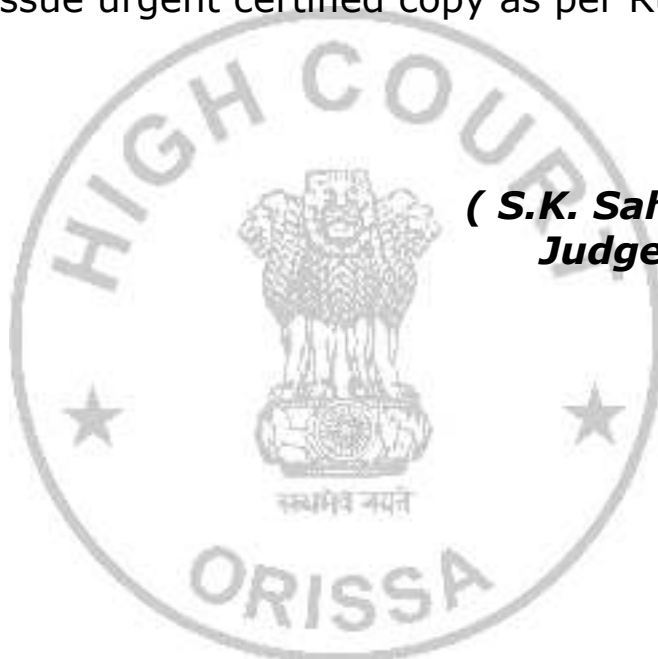
petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(**S.K. Sahoo**)
Judge



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