

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5738 of 2021

1. Basanti Sahoo

2. Gouri Sahoo

3. Kainta @ Jayashree Sahoo

.... Petitioners

Mr. P.S. Nayak, Advocate

Versus

State of Odisha

.... Opposite Party

Mr. P.K. Mohanty, A.S.C.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

14.02.2022

Order No.

03. 1. This matter is taken up through hybrid mode.
2. Heard Mr. P.S. Nayak, learned counsel for the petitioners and Mr. P.K. Mohanty, learned Addl. Standing Counsel for the State.
3. This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioners- Basanti Sahoo, Gouri Sahoo and Kainta @ Jayashree Sahoo in connection with Rengali Dam Site P.S. Case No.104 of 2021 corresponding to G.R. Case No. 1088 of 2021 pending in the Court of the learned S.D.J.M., Talcher for commission of offences punishable under Sections 341/323/324/307/302/147/148/149 of the IPC.
4. The petitioners had moved an application for bail before the Court of learned Add. Sessions Judge, Talcher which was rejected on 14.07.2021.

5. The prosecution allegations in brief are that on 12.06.2021 at about 6.00 p.m. Bidesi Sahu, Biprabara Sahu and Manoj Kumar Sahu, who are the elder brother, younger brother and nephew of the informant respectively, were suddenly attacked by the present petitioners along with Kainta Sahoo, Gouri Sahoo and Basanti Sahoo by means of crowbar, kitchen knife (paniki), axe and stick causing bleeding injuries on their persons. Then the injured persons were shifted to hospital for their treatment. On the FIR of informant a case was registered. Srinibas Sahoo succumbed to his injuries for which the case turned to one under Section 302 IPC.

6. Mr. Nayak, learned counsel for the petitioners submits that the petitioners are ladies and they are in judicial custody since 02.07.2021 and charge sheet has been submitted in this case. He further submits that one Prasanta Sahu is alleged to have assaulted the deceased Srinibas Sahu by means of a crowbar on his head and the injury report reveals that one external injury on the head of the deceased which was the cause of death. He further submits that there are allegations against the petitioner no.2 Gouri Sahoo is that she assaulted Biprabara Sahu with Paniki and petitioner no.3 Kainta @ Jayashree Sahoo assaulted Manu Sahoo with Paniki. These two witnesses have sustained simple injuries and have been discharged from the hospital since long. He further submits that though the allegations have been made after Prasanta Sahu

assaulted the deceased, these petitioners along with others restrained him but no other injuries have been detected on the deceased-Srinibas Sahu for which their application for bail may be favourably considered keeping in view the provisions of Section 437 (1) of Cr.P.C

7. Mr. Pradhan, learned Addl. Govt. Advocate for the State opposed the prayer for bail.

8. Considering the submissions of learned counsel for the respective parties, the nature of accusation against the petitioners, and the fact that the petitioners are ladies, I am inclined to allow this application for bail and release the petitioners on bail.

9. Let the petitioners- Basanti Sahoo, Gouri Sahoo and Kainta @ Jayashree Sahoo be released on bail on such terms and conditions as may be fixed by the learned Court below in seisin over the matter.

10. The BLAPL is accordingly disposed of.

11. Urgent certified copy of this order be granted on proper application.

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(Savitri Ratho)
Judge

Sukanta