

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7312 of 2021

1. Aruna Naik

2. Shanti Naik

....

Petitioners

Mr.A.K. Pradhan, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.J.P. Patra,

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
06.05.2022**

Order No.

04.

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

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

This is an application under section 439 of Cr.P.C. in connection with Buguda P.S. Case No.181 of 2018 corresponding to S.T. Case No.107 of 2020 pending in the Court of learned Additional Sessions Judge, Bhanjanagar for offences punishable under sections 302, 201, 498-A, 304-B/34 of the Indian Penal Code.

The petitioners moved an application for bail before the Court of learned Additional Sessions Judge, Bhanjanagar, which was rejected on

18.08.2021.

Learned counsel for the petitioners submitted that the petitioner no.1 is the elder brother in-law and petitioner no.2 is the wife of petitioner no.1 and they are in judicial custody since 06.08.2019. It is further submitted that the earlier bail application of the petitioner in BLAPL No.1498 of 2020 was rejected as per order dated 21.10.2020 and liberty was granted to the petitioners to renew their prayer for bail after examination of the material witnesses in the trial Court. It is contended by the learned counsel for the petitioners that eight witnesses have already been examined in the learned trial Court including the informant and they have not stated anything clinching against the petitioners and moreover, the informant has stated that the petitioners were staying separately from the deceased and her husband since the date of marriage. Learned counsel further submitted that in view of the change in the circumstances, the bail application of the petitioners may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail and placed the evidence of the witnesses.

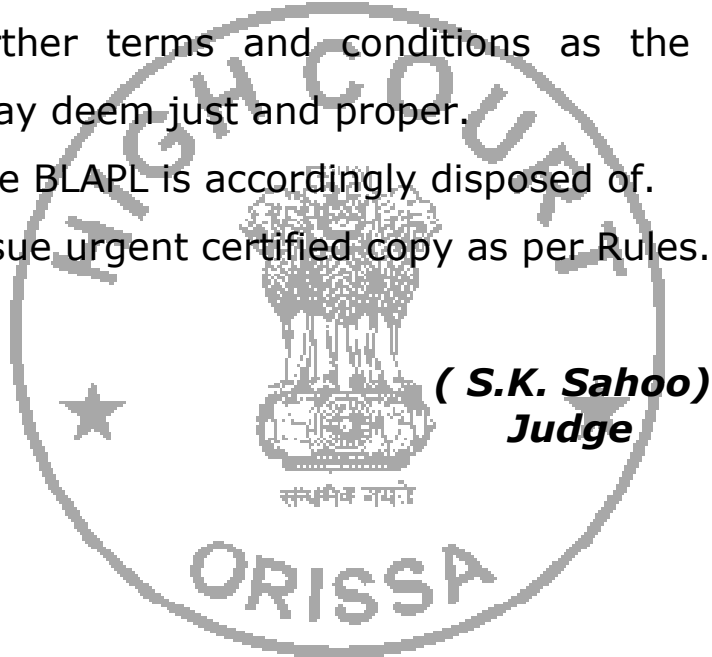
Considering the submissions made by the learned counsel for the respective parties, the change in the circumstances after rejection of the earlier bail application of the petitioners, the nature of evidence

adduced so far in the trial Court and further taking into account the period of detention of the petitioners in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioners to be released on bail.

Let the petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) each 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.



PKSahoo