

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8913 of 2022

Rita Samal

...

Petitioner

Mr. R.K. Pattanaik, Advocate

-Versus -

State of Odisha

....

Opp. Party

Mr. P.Tripathy, Addl. Standing
Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

02.11.2022

Order No.
03.

1. This matter is taken up through hybrid mode.
2. This is successive bail application filed by the petitioner, her earlier bail application being rejected by this Court vide order dated 22.11.2021 passed in BLAPL No. 9381 of 2020 granting liberty to renew the prayer after examination of some material witnesses in the case.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 22.09.2020 in connection with Sadar P.S. Case No.485 of 2020 corresponding to S.T. Case No.127 of 2021 pending in the Court of learned 1st Addl. Sessions Judge, Cuttack for the alleged commission of offence under Sections 302/201/364/34 of IPC.
5. It is submitted that there are no eye-witnesses to the occurrence and the case entirely rests on circumstantial evidence, particularly, the statement of one Susanta Kumar Das, who claims to have last seen the deceased and the accused prior to the occurrence.

6. A perusal of the deposition of said Susanta Kumar Das (P.W.-4) reveals that he has not deposed anything as against the present petitioner. Even the informant, who has been examined as P.W.-1, has not stated anything against the present petitioner. Since there is no other evidence, a case under Section 302 IPC, prima facie, is not made out against the petitioner so as to direct her continued detention. The bail application is therefore, allowed. Let the petitioner 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 she shall personally appear before the trial Court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

