

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9667 of 2022

Basudev Mallik and another ***Petitioners***

Mr. S.K. Mohanty, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in G.R. Case No.75 of 2022, pending in the file of learned Sessions Judge, Nayagarh, arising out of Banigochha P.S. Case No.20 of 2022, offence under Sections 447/323/341/304B/498A/494/302/506/34 of IPC.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Nayagarh by order dated 11.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioners submits that the petitioners are in custody since 28.02.2022 and as admittedly charge sheet has already been filed on 23.06.2022, further continuance of the petitioners in custody is not warranted.

6. It is submitted with vehemence that death of Kaikei, is solely attributable to the husband Jogendra and so far as the present petitioners are concerned the allegations are omnibus and hence the charge under Section 302 of IPC cannot be made applicable so far as the petitioners concerned and to support his stands, learned counsel for the petitioners has relied on the statement of one Jemadei Behera.

7. Learned counsel for the State opposes the prayer for bail relying on the statement of one Gandhari Behera.

8. The said Gandhari Behera has clearly stated about the role played by the present petitioners.

9. This Court also perused the statement of Jemadei on which the learned counsel for the petitioners has relied upon heavily, the said statement also clearly makes out that the present petitioners along with the husband of the deceased have actively participated in the overt act.

10. Considering the role played by the present petitioners, this Court is **not inclined** to entertain this bail application. The same stands rejected.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge