

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10597 of 2022

Babuli Jena & Another

....

Petitioners

Mr. S.K. Biswal, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.12.2022

Order No.

02.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The petitioners are accused in S.T. Case No.342 of 2022, pending in the Court of the learned Additional Sessions Judge-cum-OPID, Balasore, arising out of Khaira P.S. Case No.161 of 2022, for commission of alleged offences under Sections 498(A)/302/304-B/34 of IPC read with Section 4 of D.P. Act.
3. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Balasore, by order dated 20.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. This is the second journey of the petitioners to this Court, earlier the petitioners had moved a bail application prior to charge-sheet.
5. It is submitted by the learned counsel for the petitioners that the allegations are relying on the statement of charge-sheeted witnesses Nos.1 to 3 that the allegations are omnibus in nature and that there are no materials to connect the petitioners with the crime,

6. Learned counsel for the petitioners also places on record the post mortem report in which it has been indicated that death was due to mechanical asphyxia as a result of ante-mortem hanging.

7. It is apt to note here that on the relevant date, the husband was not present in the house, was undergoing treatment in DHH, Bhadrak, having suffered injury due to electric shock.

8. Considering the post mortem report and the absence of the husband, this Court is **not inclined** to entertain the bail application of the petitioner No.1. Hence, the bail application of the petitioner No.1 stands rejected.

9. Taking into account that the petitioner No.2 is a lady and filing of the charge-sheet, this Court directs the petitioner No.2 to be released on bail on such terms to be fixed by the learned Court in seisin.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge