

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9888 of 2021

Sakuntala Dalei and another

....

Petitioners

Mr. A. Bhoi
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

09.5.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 20th June, 2021 in connection with Balasore Sadar P.S. Case No.219/2021 corresponding to C.T. Case No.562/2021 pending in the court of learned J.M.F.C (R), Balasore, for the alleged commission of the offence under Sections 498-A/304-B/302/34 of I.P.C. read with section 4 of the D.P. Act.
4. The prosecution case is that Petitioner No.1, who is the mother-in-law of the deceased, and Petitioner No.2, who is the husband of the deceased, committed murder by throttling her.

5. Considering the nature of accusations and the availability of materials, prima facie, in support thereof particularly in respect of Petitioner No.2, I am not inclined to allow the prayer his for bail, which is, therefore, rejected.

6. However, in so far as Petitioner No.1-Sakuntala Dalei is concerned, there is no material to directly or indirectly show her complicity in the occurrence as all the allegations appears to be directed against Petitioner No.2.

7. Having regard to the above facts and taking into account the period of detention in custody, I am inclined to allow the prayer for bail in respect of Petitioner No.1-Sakuntala Dalei.

8. Let the Petitioner No.1-Sakuntala Dalei be released on bail in the aforesaid case on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that she shall appear before the trial court below on each date of posting of the case without fail.

9. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

