

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10104 of 2021

1. Sekh Sajan
2. Hasina Biwi

.... **Petitioners**
Mr.S.R.Mulia, Advocate

versus

State of Odisha

.... **Opp. Party**
Mr. S.S.Pradhan, AGA

CORAM:
JUSTICE SAVITRI RATHO

ORDER
01.08.2022

Order No.

03.

This matter is taken up by hybrid mode.

2. Heard Mr. S.R.Mulia, learned counsel for the petitioners and Mr.S.S.Pradhan, learned Addl. Government Advocate.

3. This is an application under Section 439 of Cr.P.C. for releasing the petitioners-Sekh Sajan and Hasina Biwi on bail in connection with Malgodown P.S. Case No.204 of 2020 corresponding to S.T. Case No.192 of 2021, in the Court of learned 3rd Addl. Sessions Judge, Cuttack where trial has commenced against the petitioners and their son Sekh Rajan for commission of offences punishable under Sections 498-A/304-B/306/406/34 of I.P.C. read with Section-4 of the D.P. Act.

4. This is the second application of the petitioners before this Court. Their earlier bail application BLAPL No.800 of 2021, had been dismissed by this Court vide order dated 27.08.2021 granting liberty to the petitioners to move for bail afresh after commitment of the case.

5. Learned counsel for the petitioners submits that the petitioners are in custody since 25.10.2020 and out of seven prosecution witnesses five witnesses have turned hostile which include Zolekha Bibi (P.W.3), sister of the deceased, Abdul Wadood (P.W.2), a neighbour,

Samima Khatoon (P.W.7), daughter of the landlord of the deceased. The petitioners are the parents in-laws of the deceased and they have complied with the order of this Court passed in BLAPL No. 800 of 2021 and surrendered in the Court below for which there is no chance of their absconding if they are released on bail.

6. Mr.S.S.Pradhan, learned Addl. Government Advocate opposes the prayer for bail submitting that cases of dowry death and torture are rampant nowadays and there are allegations against the petitioners in the case diary of having tortured the deceased which drove her to commit suicide. He however does not dispute the fact that the sister of the deceased-Zolekha Bibi did not support the prosecution case and that Sk Rajan, husband of the deceased is in custody.

7. Considering the submissions of the counsels, the nature of allegations against the petitioners, the period of their detention in custody and their conduct, I am inclined to allow their prayer for bail.

8. Let the petitioners - Sekh Sajan and Hasina Biwi be released on bail on such terms and conditions as may be fixed by the learned Court in seisin over the matter in the aforesaid case, including the following conditions:-

- (i) The petitioners will not threaten or attempt to influence the prosecution witnesses while on bail.
- (ii) The petitioners will remain present in Court on each date it is fixed for trial, unless their appearance is dispensed with by the trial Court.

9. The BLAPL is accordingly disposed of.

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

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Savitri Ratho
Judge