

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10851 of 2021

Nibasi Nayak and another ***Petitioners***

Mr. A.Pattnaik
Advocate

-versus-

State of Odisha ***Opposite Party***

Mr.A. Pradhan,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
05.4..2022.

Order No.

03. 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 18th July, 2021 in connection with Itamati P.S. Case No.105/2021 corresponding to G.R. Case No.414/2021 pending in the court of learned S.D.J.M., Nayagarh for the alleged commission of the offence under Sections 498-A/302/34 of the I.P. C.

4. The Petitioners are father-in-law and mother-in-law respectively of the deceased, who are said to have committed her murder. The prosecution allegation is that after marriage the victim was subjected to repeated mental and physical cruelty by her in-laws and husband for several reasons and ultimately she was killed. The post mortem report mentions the cause of death as asphyxia due to strangulation. However, a reading of the statement of some of the witnesses reveals that on the date of occurrence, the victim was initially in her parental home and on being asked by her husband she went to her marital home and one hour later she was found dead. Though there are allegations of cruelty against the husband as well as her in-laws, yet the same appear to be omnibus in nature particularly in respect of the Petitioner. What exactly has happened on the date of occurrence leading to the death of the deceased is not fully forthcoming from the materials on record.

5. Taking into consideration the above facts, the period of detention in custody and the fact that charge sheet has already been submitted in the case, I am inclined to allow the prayer for bail.

6. Let the Petitioners be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that they shall appear before the trial court on each date of posting of the case without fail.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

