

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2257 of 2022

Sabita Apat

....

Petitioner

Mr. D.P. Dhal, Sr. Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. S.K. Mishra, Addl. Standing Counsel

Mr. B.P. Tripathy, Advocate, Informant

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

09.05.2022

Order No.
02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 05.02.2022 in connection with Baria P.S. Case No.14 of 2022 corresponding to G.R. Case No.34 of 2022 pending in the Court of learned S.D.J.M., Champua for the alleged commission of offence under Sections 302/34 of IPC.
4. The prosecution allegation is that the petitioner, who is a lady, handed over a stone to her husband, who in turn assaulted the deceased with it on his head causing fatal injuries. Apart from the above allegation, there is no other material to show that there was a definite intention on the part of the petitioner to do away with the life of the deceased. Moreover, from the nature of allegations it cannot be prima facie held that it was an act actuated with any premeditation.

5. Considering the submissions and the period of detention in custody, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.
6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

