

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.2158 OF 2020

Kusuma Sahoo

.... ***Petitioner***
Mr. B.K.Rath, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.S.K. Nayak, AGA.

CORAM:

MR. JUSTICE D.DASH

ORDER

12.10.2022

I.A. NO.1088 OF 2020

Order No.

04. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner in filing this Application under section-439 of the Cr.P.C. in connection with Banki P.S. Case No.84 of 2018 corresponding to S.T. Case No. 133 of 2018 pending in the Court of learned Sessions Judge, Cuttack running for commission of offence under sections-302/201 of the IPC for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case. The Petitioner has also filed an application for grant of interim bail so as to see her children.
3. Learned Counsel for the Petitioner at the outset instead of pressing for grant of regular bail to the Petitioner, prays for disposal of both the bail applications and the interim application by considering the matter relating to the grant of interim bail to the Petitioner.
4. Learned Counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 20.03.2018 and the trial is still going on. He further submits that in the trial, the star witness for the prosecution, who happens to be the son of the Petitioner has already been examined and so also few other witnesses. He submits that for the delay in conclusion of the trial, the

Petitioner is not to share the blame. He submits that for such long period of detention of the Petitioner in custody, the situation has been such that she is not able to proper to defend the case. He therefore, prays for grant of interim bail to the Petitioner for some period so that she can do the needful for properly defending herself in the trial.

5. Learned Counsel for the State opposes the move. According to him, the evidence of the child witness, P.W.3 is clear as to role of this Petitioner and it has practically remained unshaken. However, does not dispute the fact that the Petitioner is in custody since 20.03.2018 and the trial is going on. It is submitted that the delay in the trial in the present case is on account of the prevalence of Pandemic COVID-19 situation for a long period and now after restoration of normalcy, the trial is on.

6. Considering the submissions made and on going through materials available on record; further taking into account the period of detention of the Petitioner in custody and other surrounding circumstances; it is directed that the Petitioner be released on interim bail for a period ten (10) weeks from the date of her actual release from the custody on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that she will appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; will not leave the jurisdiction of the Court in seisin of the case; will not indulge in any criminal activity; and will surrender before the said Court positively after expiry of the period of interim bail.

6. The BLAPL as well as the I.A. are accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**