

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2641 of 2022

Laxmipriya Hembram

....

Petitioner

Mr. P.K.Nayak,
Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

06.5.2022.

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 6th October, 2021 in connection with Badasahi P.S. Case No.203/2021 corresponding to C.T. Case No.759/2021 pending in the court of learned J.M.F.C., Betnoti for the alleged commission of the offence under Section 302/34 of I.P.C.

4. It is alleged that the Petitioner caused the death of the deceased by assaulting her with a bamboo stick. As it appears, the deceased, who was an Anganwadi Worker, had gone to the house of the Petitioner to consume liquor (Handia) during which there was an altercation between them on account of non-payment of the price of Handia in course of which the Petitioner became enraged and in a state of intoxication, assaulted the deceased by means of a bamboo stick which resulted in her death.

5. From the materials on record and the statement of witnesses recorded under Section 161 of Cr.P.C., it appears that a definite intention on the part of the Petitioner to kill the deceased is not made out. Moreover, the manner in which the incident is said to have occurred does not prima facie, suggest that it was an act of premeditation rather it appears to be an act that had arisen out of a sudden quarrel.

6. Considering 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. Let the Petitioner 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 she shall appear before the court below 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

