

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2965 of 2022

Basan Kishan

.... Petitioner

Mr. U.R.Jena
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.P.K.Maharaj,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

26.4.2022.

Order No.

01. 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 27th February, 2020 in connection with Lahunipada P.S. Case No.131/2018 corresponding to G.R. Case No.506/2018 pending in the court of learned S.D.J.M., Bonai for the alleged commission of the offence under Section 302/34 of I.P.C.

4. The allegation is that the present Petitioner and her husband assaulted the deceased by means of a Pharsa due to sudden quarrel which led to his death. In so far as the present Petitioner is concerned the only allegation is that she had caught hold of the younger brother of the deceased and instigated the accused to assault the deceased.

5. Considering the fact that no allegation of assault or any specific overt act has been attributed to the Petitioner as also taking into account the period of detention of the Petitioner in custody, I am inclined to allow the prayer for bail.

6. 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 he 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

