

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.2993 OF 2022

Kuni Patra @ Kunu

....

Petitioner

Mr. S.K. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.G.N. Rout, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

29.04.2022

Order No.

01. 1. This matter is taken up by through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner, who is in custody in connection with Joda P.S. Case No.169 of 2021 corresponding to G.R. Case No.588 of 2021 pending on the file of learned J.M.F.C., Barbil, running for the alleged commission of offence under section-147/148/341/294/332/323/324/325/186/307/395/427/149/302/120-B of the IPC read with section-7 of the Criminal Law Amendment Act & Section-150/151/152 of the Railway Act , in filing this application under section 439, Cr.P.C., for reconsideration of the prayer for grant of bail to the Petitioner.
3. Learned Senior Counsel for the Petitioner submits that even accepting the prosecution case as it reveals from the statement of the witnesses, the Petitioner's role stands confined to the extent that as directed / instigated by Gita, he had taken the dead body of Laxman to the Railway Platform where the

incident took place. He however submits that the prosecution witnesses do not point any finger at this Petitioner as to have assaulted the deceased or instigated to assault the deceased to death which is attributed to accused persons namely, Gita, Srikant, Chiku, Dipu, Leda, Ghasi and Tapai. It is submitted that the investigation of the case is complete and charge-sheet has already been submitted and the Petitioner being the permanent resident of the district of Keonjhar, the question of her fleeing from justice does not arise when there remains no scope on her part to threaten or terrorize the prosecution witnesses. He therefore, urges for reconsideration of the prayer for grant of bail to the Petitioner on such terms and conditions as deemed just and proper.

4. Learned counsel for the State opposes the move. According to him, the Petitioner is one among those who had carried the dead body to the Railway Platform where the incident has taken place. It is stated that although this Petitioner has not been specifically named to be one of the assailants, her presence at the place has been spelt out.

5. Taking into account the submissions made; further keeping in view the surrounding circumstances especially, the period of detention of the Petitioner in custody; while being inclined to reconsider the prayer for grant bail to the Petitioner in the aforesaid case, it is directed that the Petitioner be released on bail on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that:-

1. Petitioner will appear in person before the Court in seisin of the case on each date of posting of the case till conclusion of the trial;
2. will appear before the IIC, Joda P.S. once in every i.e. on Monday in between 10 am to 2 pm; and
3. will not threaten or terrorise the prosecution witnesses in any manner and indulge herself in any criminal activity.

Violation of any of the condition(s) shall entail cancellation of bail.

5. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

Narayan

