

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3681 of 2022

Asima Bibi @ Asama Bewa

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Orissa

....

Opp. Party

Mr. P.K. Pattanaik, AGA

**CORAM:
JUSTICE G. SATAPATHY**

ORDER

28.10.2022

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with C.T. Case No.128 of 2022 arising out of Jaleswar P.S. Case No.23 of 2022 pending in the file of learned J.M.F.C., Jaleswar for commission of offences punishable under Sections 498(A)/302/304(B)/34 of IPC read with section 4 of D.P. Act, on the allegation of committing of murder and dowry death of the deceased by subjecting her to torture and cruelty trying to her death for or in connection with demand of dowry.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is the mother-in-law of the deceased and she is no way connected with the commission of crime and even if all the materials are taken to be true, no offence would be made out against the present petitioner. It is further submitted by him that all the allegations are directed against the co-

accused husband and the petitioner being a lady of 60 years, may kindly be enlarged on bail by taking into consideration her long incarceration in custody.

4. On contrary, learned counsel for the State submits that there is specific allegation against the petitioner for subjecting the deceased to torture and cruelty prior to her death and in the process, committed dowry death of the deceased. It is also submitted by him that since the cause of the death of the deceased is homicidal, the petitioner should not be enlarged on bail by taking into consideration her role in the commission of the crime.

5. Considering the rival submissions of the parties so also the status of the petitioner as a lady aged about 55 years as stated in the bail application and she being the mother-in-law of the deceased is in jail custody since 03.02.2022 and the fact that the charge-sheet has already been submitted in this case and regard being had to the status of the petitioner being a lady which enures her for the benefit in terms of the first proviso to Section 437 of Cr.P.C., this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless her attendance is dispensed with and that she shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case. The above order shall not to be considered as a

ground for release of co-accused-husband on bail.

8. Accordingly, the BLAPL stands disposed of.
9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

