

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4424 of 2022

Manasmita Mahanta

.... ***Petitioner***
M/s. S.Panda, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

28.11.2022

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 Betnoty P.S. Case No.20 of 2022 corresponding to C.T. Case No.102 of 2022 pending in the Court of learned Sessions Judge, Mayurbhanj, Baripada for commission of offence punishable U/Ss. 302/201/34 of the I.P.C. on the allegation of committing murder of her husband.
 3. In the course of hearing of the bail application, Mr.S.Panda, learned counsel for the petitioner submits that the petitioner is innocent of the offence and she has not committed murder of her husband but co-accused standing on similar footing has already been granted bail. On the above grounds, learned counsel for the petitioner prays to enlarge the petitioner on bail.
 4. On the contrary, learned counsel for the State by placing the statement of Niati Mahanta submits that the petitioner is the paramour of the co-accused and she had killed the deceased and, thereby, she does not deserve to be released on bail.
 5. In view of the above facts and submissions and taking into

consideration the allegations raised against the petitioner for killing her husband and keeping in view the statement of Niati Mahanta and other circumstance on record and the fact that the petitioner in the circumstance of allegation cannot be placed on similar footing with that of co-accused released on bail for being the wife of the deceased and regard being had to the nature of injuries found on the person of the deceased and the probable cause of death as opined in post mortem report vis-à-vis the allegation against the petitioner, this Court, therefore, does not feel it proper to admit the petitioner to bail.

6. Hence, the prayer for bail of the petitioner stands rejected.

7. At this point, learned counsel for the petitioner submits to renew the prayer for bail of the petitioner after examination of material witnesses. Needless to say that the petitioner may renew her prayer for bail after examination of material witnesses as submitted.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge

Kishore