

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5133 of 2022

***Tapaswini Sahoo @ Tapaswini
Sahu***

.... Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Orissa

.... Opp. Party

Mr. P.K. Pattanaik, AGA

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
28.10.2022**

Order No.

- 04.
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 G.R. Case No.615 of 2021 arising out of Balimi P.S. Case No.224 of 2021 pending in the file of learned S.D.J.M., Hindol for commission of offences punishable under Sections 302/120(B)/109/34 of IPC, on the allegation of abetting commission of murder of the deceased by entering into a conspiracy with co-accused.
 3. In the course of hearing of the bail application, Mr. S. Dwibedi, learned counsel for the petitioner very impressively submits before this Court that the allegation against the petitioner is with regard to abetting commission of murder by entering into a conspiracy with co-accused but absolutely there is no material on record to find out such allegations against her. It is further submitted by him that admittedly the case rest on circumstantial evidence of confession of co-accused pursuant to his disclosure statement and his

extra judicial confession before co-villager witness Musa Sahoo to the extent of committing some wrong deed. It is further submitted that even if the entire materials on record are considered on the face of it, no offence or criminal liability would be attracted against the petitioner and the petitioner being a lady is languishing inside the jail custody since 07.12.2021 and in the meanwhile charge-sheet has already been submitted in this case. Learned counsel for the petitioner under aforesaid submission prays to enlarge the petitioner on bail.

4. On contrary, learned counsel for the State by placing the statement of the husband of the deceased submits that the petitioner has not only abetted the commission of murder of the deceased but also has entered into a conspiracy to eliminate the deceased who was objecting her misdeeds and therefore the petitioner shall not be released on bail.

5. Considering the rival submissions of the parties and taking into consideration the pre trial detention of the petitioner since 07.12.2021 and keeping in view the status of the petitioner being a lady and extending the benefit of first proviso to Section 437 of Cr.P.C. which confers discretion to the Court to grant bail to a woman accused for non-bailable offences, to the petitioner and keeping in view the fact that no material is placed on record to indicate that the petitioner would abscond or tamper with the evidence in case of her release on bail, this Court considers the bail application of the petitioner affirmatively.

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.

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

(G. Satapathy)
Judge

Subhasmita

