

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.4583 of 2021

<i>Shantilata Mandal @ Tuna</i>		<i>Petitioner</i> <i>Mr.P.C.Jena, Advocate</i>
	<i>Versus</i>	
<i>State of Odisha</i>		<i>Opp. Party</i> <i>Mr.S.S.Pradhan, AGA</i>

CORAM:
JUSTICE SAVITRI RATHO

ORDER
25.03.2022

Order No.
06.

I have heard Mr.P.C. Jena, learned counsel for the petitioner and Mr.S.S.Pradhan, learned Addl. Government Advocate through hybrid mode.

This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioner- Shantilata Mandal @ Tuna in connection with Bhograi P.S. Case No.19 of 2021 corresponding to C.T. Case No.53 of 2021 pending in the Court of learned J.M.F.C., Jaleswar for commission of offences punishable under Section 302/34 of I.P.C.

The case of the prosecution is that on 21.01.2021, the complainant, Nanigopal Mandal has lodged an F.I.R. before Bhograi P.S. that his uncle Kanhu Charan Mandal, aged about 72 years and Aunt Smt. Basanti Mandal, aged about 52 years were residing with their son, namely, Sashikanta Mandal and daughter-in-law, Santilata Mandal at village-Chaka Fulbani under Bhograi P.S. One week ago, his uncle Kanhu Charan Mandal had registered one landed property in the name of his neighbor without knowledge of his son Sashikanta and daughter in law Santilata. After coming to learn this fact, his son Sashikant and daughter-in-law Santilata assaulted his uncle and aunt and threatened to kill them. His uncle disclosed this to the complainant. The complainant tried to reason

with Sashikanta but Sashikanta abused him in filthy language and threatened him with dire consequences. Thereafter, the complainant assured his uncle and aunt to settle the matter in presence of village gentry. But on 21.01.2021 morning he received information that his uncle Kanhu Charan Mandal and aunt Basanti Mandal were lying dead near the pond of their house.

Mr. P.C.Jena, learned counsel for the petitioner submits that F.I.R. had been registered for offence under Section 302 IPC but after investigation and receipt of final opinion that cause of death of the deceased-Kanhu Mandal was due to poisoning (Organ Phosphorous) and cause of death of Smt. Basanti Mandal was due to acute Miocardio infraction, Section 302 IPC has been dropped from the charge sheet and charge sheet has been filed against the petitioner-Shantilata Mandal and her husband co-accused, Sashikanta Mandal under Sections 306/34 of IPC. He further submits that Sashikanta Mandal has been granted bail in BLAPL No.4513 of 2021 and the petitioner who is a lady has been languishing in jail since 22.01.2021 for which she may be released on bail.

Mr. S.S.Pradhan, learned Addl. Government Advocate opposes the prayer for bail stating that the witnesses have stated that the petitioner and co-accused had been harassing the two deceased persons as Kanhu Charan had sold a plot of land. The two deceased persons are the father in law and mother in law of the petitioner . The specific allegations against the petitioner are that she constantly harassed and ill-treated her parents in law (the deceased) and this increased after Kanhu Charan had sold the piece of land . Allegations against her husband the co accused is that he did nothing to prevent the petitioner , so she does not stand

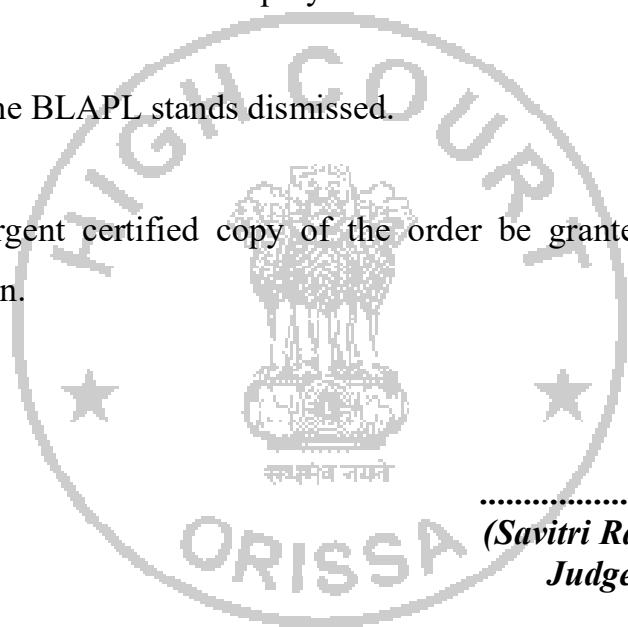
on the same footing as him for which her prayer for bail should be rejected .

I have perused the statement of Basanti Mandal, Lambodar Mandal, Paban Mandal , Sujit Kumar Mandal, Sanjit Mandal and others recorded under Section 161 Cr.P.C. and the chemical examination report.

After considering the submissions of the counsels and the materials collected against the petitioner, I do not consider this to be a fit case to release the petitioner on bail at this stage. Liberty is granted to her to renew her prayer for bail in case there is delay in trial.

The BLAPL stands dismissed.

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



.....
(Savitri Ratho)
Judge

Bichi