

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.5681 of 2022**

***Pari Gouda***

.... ***Petitioner***  
*M/s.U.Barik, Advocate*

*-versus-*

***State of Orissa***

.... ***Opp. Party***  
*M/s.R.Tripathy, A.S.C.*

**CORAM:**

**JUSTICE G. SATAPATHY**

**ORDER**

**07.12.2022**

**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 Sorada P.S. Case No.78 of 2021 corresponding to G.R. Case No.119 of 2021 pending in the Court of learned J.M.F.C., Sorada for commission of offence punishable U/Ss. 498-A/302/304-B/34 of the I.P.C. read with Section 4 of D.P. Act on the allegation of smothering her daughter-in-law to death by putting leg on the neck of the deceased.
  3. In the course of hearing of the bail application, Mr.U.Barik, learned counsel for the petitioner submits that the petitioner is a lady and she has been detained in custody since 14.03.2022 and in the meanwhile, after closure of investigation charge sheet has already been placed in this case but no reliable material has been collected against the petitioner to find out any prima facie case against her for commission of murder of the deceased. On the aforesaid grounds, learned counsel for the petitioner prays to enlarge the petitioner on

bail.

4. On the contrary, Mr.R.Tripathy, learned counsel for the State strongly opposes the bail application of the petitioner and he by placing the disclosure statement of the petitioner submits that the petitioner is the author of the crime and thereby the petitioner is not entitled to bail.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner and the status of the petitioner being a lady and regard being had to the proviso appended to Section 437 of Cr.P.C. enuring the benefit to the petitioner for grant of bail and taking into further consideration the pre-trial detention of the petitioner and her age to be 55 years and the manner and circumstance of the crime, this Court admits the petitioner to bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. This order may not be treated as a precedent for grant of bail to co accused-persons.

7. Accordingly, the BLAPL stands disposed of.
8. Urgent certified copy of the order be granted on proper application.

*Kishore*

*( G. Satapathy )  
Judge*

