

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7353 of 2022

***Bandana Mallik @ Ranjita Mallick
& Others***

.... ***Petitioners***

Mr. B.B. Mohanty, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. P.C. Das, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
19.07.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Addl. Standing Counsel for the State.
3. The Petitioners, who are all ladies, have filed this bail application apprehending arrest for the alleged commission of offence under Sections 147/148/325/354(B)/506/302/149, I.P.C. in connection with Aul P.S. Case No.152 of 2022 corresponding to G.R. Case No.273 of 2022 pending in the court of learned J.M.F.C., Aul.
4. It is submitted by learned counsel for the Petitioners that the Petitioners and the Informant's family have long-standing disputes regarding their landed property. On the date of occurrence, a severe quarrel took place between two groups, as a result of which the deceased died. It is further submitted that the Petitioners are all ladies and so far as the allegations against them is concerned, it is

stated that the Petitioners were present at the spot and pelted stones on informant's family members. It is further contended by the learned counsel for the Petitioners that the cause of death of the deceased was due to head injuries caused by sharp-cutting weapon, as a result of assault on the head. Therefore, considering the post-mortem report and the surrounding facts and circumstances, it cannot be said that the Petitioners are in any way responsible for the death of the deceased. It is further contended by learned counsel for the Petitioners that, no motive or intention can be ascribed to the Petitioners for commission of the crime punishable under Section 302, I.P.C. He further submits that, since the Petitioners are ladies and residents of the locality, there is no chance of their absconding in the event of they are released on anticipatory bail. He further submits that the Petitioners shall appear before the Investigating Officer regularly as and when required by the I.O. and they shall also sincerely cooperate for expeditious trial.

5. Learned counsel for the State submits that there was a group fight and everybody was involved in the occurrence. Therefore, the Petitioners are also equally liable for the offence punishable under Section 302, I.P.C. On such ground, learned counsel for the State prays for rejection of the prayer for bail.

6. Considering the submissions made and further taking into consideration the surrounding facts and circumstances and the materials placed before this Court and particularly keeping in view the specific role place by the present Petitioners which have been clearly narrated in the facts, though this Court is not inclined to release the Petitioners on anticipatory bail, however, it is directed that, in the event the Petitioners surrender and move for bail before

the learned court below, the learned Court in seisin over the matter shall vicariously consider the bail application of the Petitioners and allow them to go on bail on such terms and conditions as would be deemed just and proper in the facts and circumstances of the case.

7. The ABLAPL is disposed of accordingly.
8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

