

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6150 of 2022

Laxmi Nayak

....

Petitioner

Mr. S.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Pattanaik, AGA

CORAM:

JUSTICE G. SATAPATHY

ORDER

28.10.2022

Order No.

- 02.
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 S.T. Case No.12 of 2022 pending in the Court of learned Additional Sessions Judge, Bhanjanagar corresponding to G.R. Case No.816 of 2021 arising out of Jagannath Prasad P.S. Case No.222 of 2021 pending in the file of learned S.D.J.M., Bhanjanagar for commission of offences punishable under Sections 323/302/34 of IPC, on the allegation of committing murder of his brother-in-law along with other co-accused persons in furtherance of their common intention.
 3. In the course of hearing of the bail application, Mr. S.K. Mohanty, learned counsel for the petitioner submits that the petitioner is a lady as such she is entitled to the benefit of bail on account of the first proviso appended to Section 437 of Cr.P.C. It is also submitted by him that there appears some omnibus allegation against the petitioner and the materials on record do not justify further detention of the petitioner in jail custody. It is also submitted

by him that the petitioner is having a small girl child aged about seven years and there is nobody to look after her in the house and it is well known to everybody that mother care is of paramount significance for a small child aged about seven years and the petitioner being in custody since 04.07.2021, may kindly be enlarged on bail.

4. On contrary, learned counsel for the State by placing statement of witness Ranjit Kumar Patra submits that the petitioner along with other co-accused persons conjointly assaulted the deceased resulting in his death and the post mortem report also goes to indicate that the cause of death of the deceased was due to injury to the brain and the petitioner having played major role in committing murder of the deceased should not be granted bail.

5. Considering the rival submissions of the parties and taking into consideration the pre trial detention of the petitioner since 04.07.2021 and that she has a small girl child in her house and that the allegations appearing on record discloses no specific role against the petitioner although it reflects assault by the petitioner and other co-accused persons and keeping in view the proviso to Section 437 of Cr.P.C. for release of woman accused of non-bailable offences on bail and that there is no material being placed on record to suggest that the petitioner would abscond or tamper with the evidence and taking into account other circumstance of the commission of crime, this Court considers the bail application of the petitioner leniently.

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

