

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6553 of 2022

Kamala Muduli & another ***Petitioners***

Mr. J.K. Khuntia, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
31.10.2022

Order No.

- 02.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the Petitioner and learned counsel for the State.
 3. The Petitioner is an accused in connection with C.T. Case No.24 of 2021 arising out of Dasamantapur P.S. Case No.76 of 2020, pending on the file of the learned Addl. Sessions Judge, Koraput for the alleged commission of offence under Section 302/34 IPC.
 4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge, Koraput by order dated 22.03.2022, the present BLAPL has been filed.
 5. It is submitted by the learned counsel for the Petitioners that the Petitioners are similarly circumstanced with co-accused Bhagirathi Muduli, Kapila Muduli and Chintamani Muduli who have been directed to be released on bail by order dated 08.09.2021

in BLAPL No.1286 of 2021. He further submits that since the Petitioners are ladies, in view of the first proviso to Section 437(1) Cr.P.C, their case may be considered liberally.

6. Learned counsel for the State relying on the statement of Bishnu Muduli submits that the Petitioners are not similarly circumstanced.

7. On perusal of the order passed by this Court dated 08.09.2021, it is seen that this Court had specifically noted, while releasing the co-accused, the absence of any specific material on record that they were armed with any weapons or participated in the assault of the deceased except that they were present at the scene of occurrence.

8. On scrutiny of the statement of Bishnu Muduli, this Court is not persuaded by the submission of the learned counsel for the Petitioners that the Petitioners are similarly circumstanced and in fact there are materials on record to show that the Petitioners dragged the victim.

9. Hence, this Court is not inclined to entertain this bail application.

10. Accordingly, the BLAPL stands rejected.

(V. NARASINGH)
Judge

PKS