

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6603 of 2022

Rab Bibi @ Rameena Bibi

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

Mr. P.C. Dash, Advocate
(Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
18.11.2022

Order No.

05.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.
3. The petitioner is an accused in connection with C.T. Case No.142 of 2022, pending before on the file of the learned Nyayadhikari, Gramya Nyayalaya-cum-J.M.F.C., Bhograi, arising out of Talsari Marine P.S. Case No.19 of 2022, for alleged commission of offences under Sections 498-A/302/304-B/34 of IPC read with Section 4 of D.P. Act.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Balasore, Circuit Court at Jaleswar, by order dated 02.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that since cognizance has been taken inter alia under Section 498-A/306/304-B/34 of IPC read with Section 4 of D.P. Act, though

charge-sheet has been filed under Section 302 of IPC, further continuance of the petitioner in custody is not warranted, since she is the mother-in-law and as the father-in-law has already been released on bail, hence release is sought inter alia on the ground of parity.

6. Learned counsel for the State as well as the informant opposes the prayer for bail.

7. It is submitted by the learned counsel for the State that the petitioner is not similarly circumstanced with the father-in-law inasmuch as there are allegations of overt act on record just preceding the unfortunate incident.

8. Learned counsel for the informant also states, referring to the Post mortem report that because of the injuries on the body of the deceased, this is a clear case under Section 302 of IPC, as rightly charge-sheeted, but exercising the jurisdiction in a wrongful manner, learned Court in seisin has taken cognizance under Section 306 of IPC and other allied Sections of IPC referred to hereinabove.

9. The informant is at liberty to assail the order of cognizance in accordance with law, if he has grievance that the learned Court in seisin has exercised its jurisdiction in a wrongful manner.

10. Considering the period of custody, release of the co-accused, order of cognizance inter alia under Section 306 of IPC and that the petitioner is a lady, invoking the first proviso to Section 437(1) of Cr.P.C., this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha