

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7002 of 2022

Nepur Thela @ Rita

....

Petitioner

Mr. D.P. Dhal, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. An appearance memo has been filed on behalf of the Petitioner by Mr. D.P. Dhal, learned Senior Advocate in Court today. The same be kept on record.
3. Heard Mr. Dhal, learned Senior Advocate for the Petitioner and Pradhan, learned counsel for the State.
4. The Petitioner is an accused in G.R. Case No.127 of 2021 pending in the file of learned J.M.F.C., Tarava, arising out of Tarava P.S Case No.134 of 2021, for commission of offence under Sections 302/201/34 IPC.
5. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Sonapur by order dated 05.07.2022 in the aforementioned case, the present BLAPL has been filed.
6. It is submitted by the learned Senior Advocate for the Petitioner that there are no materials on record to implicate the

Petitioner with the alleged offence and he has been roped in solely on the basis of suspicion and taking into account the previous enmity between the deceased, who was her husband and the family members of her in-laws. It is also stated that the co-accused who is similarly circumstanced has been released on bail by order dated 12.05.2022 in BLAPL No.10852 of 2021. It is further submitted that since charge sheet has been filed in the meantime and taking into account the manner in which the Petitioner has been implicated, her further continuance in custody is uncalled for.

7. Learned counsel for the State produces the statement of the Informant Badal Thela, who is the brother of the deceased.

8. On a conspectus of the materials on record, this Court is persuaded to hold that prima facie the chain of circumstances, which have been relied on by the prosecution, does not entitle further continuance of the Petitioner in custody. This Court is refraining from detailed analysis of materials on record since it would amount to prejudging the issue pending trial. There is force in the submission of the learned Senior Counsel that there are too many missing links in the accusation of the prosecution.

9. Hence, invoking the proviso to Section 437(1) Cr.P.C., release of the co-accused, as adverted to above, and considering the nature of accusation, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge