

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7083 of 2022

***Sulochana Behera @ Sula
Behera and another***

Petitioners

Mr. R.N. Rout, Advocate

-versus-

State of Odisha

Opposite Party

Mr. Karunakara Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
30.09.2022**

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. Learned counsel Mr.H.N.Mohapatra, filed Vakalatanama on behalf of the informant and the same is taken on record. Name be reflected in the file as well as in the cause list.
4. The petitioners are accused in connection with G.R. Case No.278 of 2022, pending in the Court of learned Nyayadhikari Grama Nyayalaya Brahmagiri arising out of Brahmagiri P.S. Case No.129 of 2022, for alleged commission of offences under Sections 302/34 of IPC subsequently turned into offences U/s.342/306/34 of IPC and is in custody since 27.05.2022.
5. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions

Judge, Puri by order dated 20.07.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted by the learned counsel for the petitioners that the petitioners were forwarded under Sections 302 of IPC and after investigation the Investigating Agency has filed a charge sheet inter alia under section 306 of IPC. Hence the petitioners being ladies may be allowed to be released on bail.

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

8. Taking into account the role ascribed to the petitioners and it is submitted that though in fact, it's a case under Section 302 of IPC and because of perfunctory investigation which is the subject matter of challenge in CRLMP No.1085 of 2022 charge sheet has been filed under Section 306 of IPC. Without expressing any opinion regarding merits of the contentions of the learned counsel for the informant relating to the manner in which investigation has been taken place, in view of first Proviso under Section 437(1) of Cr.P.C. since the petitioners are ladies, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge