

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7420 of 2022

Tunu @ Jhuna Sethi

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
20.10.2022

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 G.R Case No.482 of 2021 pending in the file of learned S.D.J.M., Nayagarh, arising out of Nayagarh P.S Case No.167 of 2021, for commission of offence under Sections 498-A/304-B/302/34 IPC and Section 4 of the D.P Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Nayagarh by order dated 29.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 17.12.2021 and the charge sheet having been filed, further continuance of the Petitioner in custody is

unwarranted. It is also stated that the father-in-law of the deceased (husband of the present Petitioner) who is similarly circumstanced has been released on bail by this Court by order dated 07.09.2022 in BLAPL No.11055 of 2021.

6. Considering the release of the co-accused and taking into account that the present Petitioner is a lady and the nature of offence vis-à-vis her complicity in the matter and keeping in view the legislature intent on the proviso to Section 437(1) Cr.P.C, 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.

7. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS

