

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLA No. 735 of 2022**

**Namita Behera**

....

**Appellant**

Mr. B. Mansingh, Advocate

-Versus -

**State of Odisha & Anr.**

....

**Respondents**

Mr. P. Tripathy, Addl. Standing Counsel

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**22.11.2022**

**Order No.**

**4.**

1. This matter is taken up through hybrid mode.
2. It is submitted by learned State counsel that notice as directed was admitted to be served upon the informant, but she refused to receive the same for which the same was served by affixture. Hence, the notice is treated as sufficient. The CRLA is taken up for hearing.
3. Heard learned counsel for the appellant and learned Addl. Standing Counsel for the State.
4. The appellant is in custody since 02.01.2022 in connection with Kumbharapada P.S. Case No.1 of 2022 corresponding to T.R. Case No.51 of 2022 pending in the Court of learned Sessions Judge, Puri for the alleged commission of offence under Sections 302/34 of IPC & Section 3(2)(iv) of SC & ST (POA) Act, 1989 (Amendment 2015).
5. It is alleged that the informant, who is the wife of the principal accused, played a role in committing the murder of the deceased. As per the FIR story, the husband of the petitioner, namely, Rajesh Kumar Mohapatra, his younger brother-Rakesh Kumar Mohapatra and brother-in-law Purna Chandra Behera

jointly assaulted the deceased by deadly weapons causing fatal injuries. The petitioner's name does not find place in the FIR. In the statement recorded under Section 164 Cr.P.C. the informant has improved upon her earlier version by stating the name of the petitioner. Even then no specific overt act has been attributed to her save and except the allegation that she was present at the spot and was instigating the other assailants.

6. Considering the above facts and taking into account the period of detention in custody, I am inclined to allow the prayer for bail. Let the appellant be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that she shall personally appear before the trial Court on each date of posting of the case without fail.

7. CRLA is accordingly disposed of.

8. Issue urgent certified copy as per rules.

**(Sashikanta Mishra)**  
**Judge**

*A.K. Rana*