

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8507 of 2022

Sumitra Rohidas

....

Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
21.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in C.T. (Sessions) Case No.49 of 2022 pending on the file of learned Sessions Judge, Jharsuguda, arising out of Jharsuguda Sadar P.S. Case No.44 of 2022, for commission of offence under Sections 302/34 IPC.
3. Being aggrieved by the rejection of her application for bail U/s. 439 Cr.P.C by the learned Sessions Judge, Jharsuguda by order dated 16.08.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 31.03.2022 and as charge sheet has been filed on 28.06.2022, her further continuance in custody is not warranted.

5. The genesis of the offence is that on 08.03.2022 the present Petitioner and her son are alleged to have beaten up the deceased by kick and fist blows.
6. Learned counsel for the State relying on the charge sheeted witness nos.4, 6 7 i.e. Jugal Kishore Rohidas, Lakheswar and Ramesh respectively submits the manner in which the assault was made.
7. It is on record that due to assault the Petitioner was not able to walk and on the next day the present Petitioner was seen shifting the deceased in an auto rickshaw in an unconscious state.
8. It is submitted by the learned counsel for the Petitioner that the attack was due to fit of anger and there was no premeditation. Hence, prima facie allegation under Section 302 IPC is not made out.
9. Learned counsel for the State opposes the prayer relying on the post-mortem report which indicates injury on the vital parts of the body of the deceased.
10. Taking into account that the Petitioner is a lady and the background in which the offence was committed, 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.
11. Accordingly, the BLAPL stands disposed of.
12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS