

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

**BLAPL No.9301 of 2022**

***Mamina Das***

....

***Petitioner***

Mr. P.K. Nayak, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. K.K. Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**10.10.2022**

**Order No.**

01.

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 C.T. Case No.452 of 2022 pending in the file of learned S.D.J.M., Baripada, arising out of Baripada Town P.S. Case No.175 of 2022, for offence under Sections 341/323/324/354/506/307/302/34 IPC and is in custody since 25.03.2022.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned 1<sup>st</sup> Addl. District & Sessions Judge, Baripada by order dated 02.09.2022 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 25.03.2022 and as the charge sheet

has been filed on 19.07.2022, further continuance of the Petitioner in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail of the Petitioner relying on the statement of the eye witness Jhula Palei who has been cited as witness no.2 in the charge sheet, which is on record.

7. This Court had an occasion to peruse the statement of said Jhula Palei who is stated to be an eye witness. On consideration of the said statement, it comes to the fore that overt act of hitting by wooden plank is attributable to one Tapan Giri @ Kuna and Santanu Giri @ Takulu and injuries with blade are attributable to one Sachin Palei.

8. Taking into account the statement of eye witness as above and keeping in view that the Petitioner is a lady and has two minor children, as stated at the Bar and also the specific finding of the learned court in seisin over the matter, that no specific overt act is attributed to the present Petitioner, this Court invoking the proviso to Section 437(1) Cr.P.C directs the Petitioner 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**

**PKS**