

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9484 of 2022

Sabitarani Ghadei

....

Petitioner

Mr. A.N. Samantaray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

17.10.2022

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 connection with G.R. Case No.506 of 2022 pending on the file of learned J.M.F.C.(P) Kujang, arising out of Paradeep P.S. Case No.165 of 2022, for alleged commission of offences under Sections 498(A)/323/304(B)/306/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge, Kujang by order dated 09.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that since charge sheet has already been filed inter alia under Section 306 of IPC and as the husband of the petitioner has been released on anticipatory bail further continuance of the petitioner, who is the mother-in-law, is uncalled for.

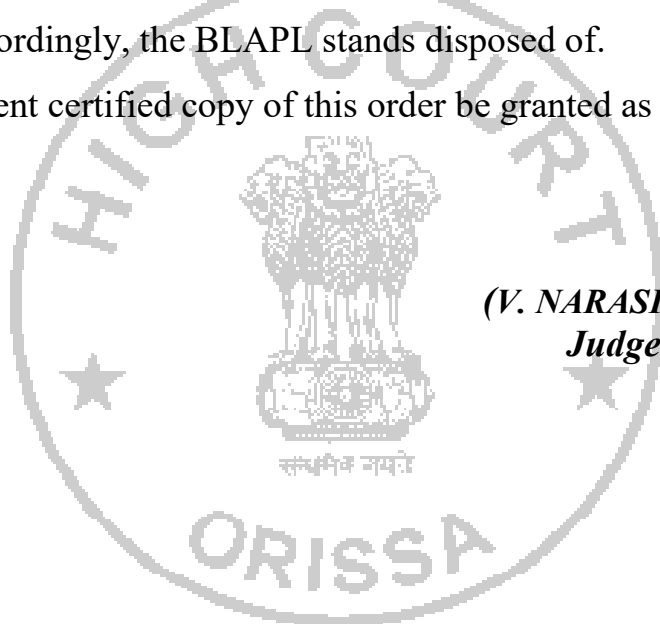
6. Learned counsel for the State opposes the prayer for bail referring to the recitals in the Case Diary and submits that charge sheet having been filed under Section 304-B and 306/34 of IPC and the complicity of the petitioner as stated in the statement of witnesses, petitioner ought not to be released on bail.

7. Considering the filing of charge sheet that the petitioner is a lady aged about 56 years and keeping in view the provisions as under the first Proviso to Section 437(1) of 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.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge



Santoshi