

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9488 of 2022

Rebati Naik

....

Petitioner

Mr. S.K. Mahanty, 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 Additional Standing Counsel for the State.
3. The petitioner is an accused in connection with S.T. Case No.25 of 2022, pending in the Court of learned Additional Sessions Judge, Bhanjanagar, Dist- Ganjam, arising out of Jagannath Prasad P.S. Case No.337 of 2021, for commission of offences under Section 302/201/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Bhanjanagar, Dist- Ganjam, by order dated 13.09.2022 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 31.10.2021 and as charge-sheet has already been filed, further continuance of the petitioner in custody is unwarranted, in view of the fact that even if the entire allegation

is accepted at its face value, the case under Section 201 of IPC is made out against the petitioner.

6. Learned counsel for the State opposes the prayer for bail inter alia relying on the statement of the husband of the petitioner recorded under Section 27 of the Evidence Act and one Amar Naik cited as charge-sheeted witness before whom the present petitioner as well as her husband are supposed to have made a statement to do away with the life of the deceased.

7. This Court perused the materials on record. From the statement of the husband of the petitioner, it is clearly borne out that the overt act was committed by the husband of the petitioner who is not the petitioner before this Court.

8. Taking into account the age of the petitioner and that she is a lady, filing of the charge-sheet and keeping in view the legislative intent as stated under the first 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.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha