

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9564 of 2022

Jagyasini Sahu

....

Petitioner

Mr. S.S. Ray-2, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

04.11.2022

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.498 of 2022 pending on the file of the learned J.M.F.C., Aska, arising out of Gangapur P.S. Case No.176 of 2022 for commission of the offence under Sections 498(A)/342/304(B)/302/34 IPC.
4. Being aggrieved by the rejection of her application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge, Aska by order dated 23.09.2022, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the Petitioner that though F.I.R was filed inter alia under Section 302 IPC and other allied Sections, after investigation charge sheet has been filed on 21.07.2022 under Sections 498-A/304-B/306/34 IPC. It is stated that since Petitioner is a lady and sister-in-law of the deceased, her

further continuance in custody is not warranted. It is also submitted by the learned counsel for the Petitioner, relying on the post-mortem report of the deceased, that there are no external injuries. The post-mortem report and the final form filed in Court today by the learned counsel for the Petitioner are taken on record.

6. Placing reliance on the order of rejection, learned counsel for the State opposes the prayer for bail of the Petitioner.

7. On perusal of the of the order of rejection passed by the learned Court in seisin over the matter, it is seen that the Petitioner has a son of four years.

8. Taking into account the filing of the charge sheet, inter alia, under Section 306 IPC and that the Petitioner is a lady and a son of four years, this Court keeping in view the first proviso to Section 437(1) Cr.P.C. is persuaded to direct the release of the Petitioner on such terms to be fixed by the learned court in seisin over the matter.

9. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS