

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10296 of 2022

Binodini Mirdha

....

Petitioner

Dr. S. Ranjit, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.12.2022

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.57 of 2022 pending on the file of learned Sessions Judge, Jharsuguda, arising out of Rengali P.S. Case No.93 of 2022, for commission of the offence alleged under Section 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 30.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 19.05.2022 and as charge sheet is filed on 30.07.2022, her further continuance in custody is not warranted.
5. It is stated, relying on the eye witness account of one Janaki Mirdha and Susila Mirdha, that the allegation that the

Petitioner along with others assaulted the deceased with bamboo stick sticks on his leg. It is submitted that had the deceased been immediately taken to the hospital, his life could have been saved but crucial time was wasted in convening the meeting in which the family members of the Petitioner stated to have acknowledge their guilt.

6. It is further submitted that both the Petitioner and her husband are in custody and they have grown up daughters to look after, who are facing social ostracization because of their parents being implicated in the present case.

7. Learned counsel for the State opposes the prayer.

8. Taking into account that the Petitioner is a lady, in the light of 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 Court in seisin over the matter.

9. It is needless to state that the special circumstance which weighed with this Court in directing release of the present Petitioner shall not be pressed into service in connection with the bail application of other accused, which shall be dealt with on its own merit.

10. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS