

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9248 of 2021

Jyotshna Ray

.... ***Petitioner***
Mr.J.K.Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.04.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Malkangiri P.S.Case No.293 of 2021 corresponding to G.R.Case No.633 of 2021 — pending in the Court of the learned S.D.J.M., Malkangiri for commission of an alleged offence under Sections 363,302,201/34 of the Indian Penal Code
4. Learned counsel for the Petitioner submits that the Petitioner is languishing in jail custody since 11.08.2021 and after completion of investigation the Police submitted charge sheet in the case. It is also submitted on behalf of the Petitioner that the Petitioner is a lady and wife of the main accused, Bikash Ray and the only allegation against the present Petitioner is that although she knew about commission of the crime, she did not disclose the same before the Police. It is further

submitted by the learned counsel for the Petitioner that the principal accused Bikash Ray has strangled the deceased as a result of which the deceased succumbed to the injury and the said fact has been corroborated by the medical evidence. There is no allegation of any overt act against the Petitioner. The Petitioner being a lady there is no chance of her absconding and in the event the Petitioner is released on bail she will abide by any terms and conditions and she will appear before the trial court on each and every date of posting.

5. Learned counsel for the State on the other hand opposes the prayer for bail and submits that the offence alleged against the petitioner is heinous in nature and she should not be released on bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case and that the Petitioner has no role in the alleged crime and the Petitioner is a lady as well as the custodial detention of the Petitioner, this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted till completion of the trial.
- ii) shall not indulge in any offence of similar nature
- iii) shall not threaten, influence or terrorise the prosecution witnesses while on bail
- iv) shall not tamper with the prosecution evidence while on bail
- v) Violation of any of the terms and conditions shall entail cancellation of bail.

7. It is open for the Court in seisin over the matter to fix any other conditions which may be deemed fit and proper in the facts and circumstances of the present case.

8. The Bail Application is accordingly disposed of.
9. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

