

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10470 of 2022

Duri Behera

....

Petitioner

Mr. P.K. Bhuyan, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.409 of 2022, pending in the Court of learned J.M.F.C., Salipur, arising out of Mahanga P.S. Case No.116 of 2022, offence under Sections 498A/304(B)/406/34 of IPC.
3. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Salipur, by order dated 13.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that petitioner is in custody since 22.05.2022 and since charge sheet has already been filed on 16.08.2022, her further continuance in custody is not warranted.

5. Learned counsel for the State opposes the prayer for bail relying on Santilata Dalei, who has been cited as charge-sheeted witness No.4 and submits that on a bare perusal of the same, it comes to the fore that the present petitioner was in habit of quarrelling with the deceased on trivial issues, which led to the unfortunate incident as such, the petitioner ought not to be released on bail.

6. Learned counsel for the petitioner places reliance on the order passed by this Court by order dated 28.11.2022 in BLAPL No.9551 of 2022 in respect of Kalia @ Kalandi and also seeks release inter alia on the ground of parity.

7. Per contra learned counsel for the State submits that the petitioner is not similarly circumstanced.

8. Considering the nature of allegations qua the petitioner and her age, 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 rules.

(V. NARASINGH)
Judge

Ayesha