

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10492 of 2022

Sandhyarani Basti

....

Petitioner

Ms. B. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
13.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in connection with G.R. Case No.1974 of 2022, pending before the learned JMFC(R), Cuttack, arising out of Tangi P.S. Case No.168 of 2022, for alleged commission of offences under Sections 307/325/326 of IPC.
3. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Cuttack, by order dated 18.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 03.08.2022 and as investigation has progressed substantially, further continuance of the petitioner in custody is unwarranted.

5. Learned counsel for the State referring to the order of rejection submits that the manner in which the petitioner threw hot oil at her daughter, she is not entitled to any leniency.

6. It is submitted by the learned counsel for the petitioner that the incident happened in a fit of anger without any premeditation and hence she may be released on bail and she also presses into service the first proviso to Section 437(1) of Cr.P.C., since petitioner is a lady.

7. Considering the background in which the offence has been committed and the progress in investigation, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Accordingly, the BLAPL stands disposed of.

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

Ayesha

