

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10501 of 2022

Duhita Nahak

....

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.11.2022

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.378 of 2022, pending on the file of the learned J.M.F.C., Purushottampur, arising out of Purushottampur P.S. Case No.403 of 2022, for alleged commission of offences under Sections 498-A/302/304-B/34 of IPC read with Section 4 of the D.P. Act.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge, Chatrapur, Ganjam, by order dated 21.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.
6. It is submitted by the learned counsel for the petitioner that though the FIR was filed under Section 302 of IPC and other allied

Sections of the IPC read with Section 4 of D.P. Act, post investigation charge-sheet was filed under Section 306 of IPC on 14.09.2022 and since the petitioner is in custody since 23.08.2022 and taking into account the role ascribed to her, being the mother-in-law, her further continuance of in custody is unwarranted.

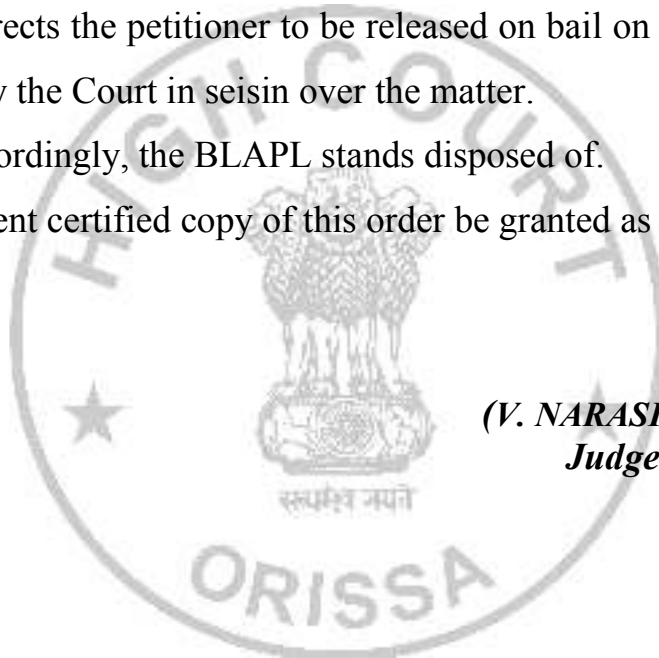
7. Learned counsel for the State opposes the prayer for bail.

8. Taking into account the filing of charge-sheet and keeping in view that the petitioner is a lady aged about 60 years and in terms of the legislative intent under the first proviso to Section 437(1), 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. Accordingly, the BLAPL stands disposed of.

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

Ayesha



(V. NARASINGH)
Judge