

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3245 of 2022

Basanti Pradhan

....

Petitioner

Mr. Prasanna Kumar Mishra, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.12.2022

Order No.

- 02.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The challenge in the present case is to the impugned order dated 2nd January, 2021 passed by the learned S.D.J.M., Gunupur in G.R. Case No.402 of 2020 arising out of Gunupur P.S. Case No.181 of 2020 under Annexure-4 on the ground that for the offence under Section 307, no case is made out against the petitioner, who happens to be the wife of one of the co-accused.
 3. A copy of the FIR as at Annexure-1 is perused by the Court.
 4. In fact, on a report being lodged by the informant, Gunupur P.S. Case No.181 of 2020 was registered for the offence under Sections 294, 323, 324, 325, 307, 354, 506 and 34 of IPC. In the meantime, chargesheet has been filed against the accused persons including the petitioner.

5. Mr.Mishra, learned counsel for the petitioner submits that even by considering the report and statements of witnesses recorded under Section 161 Cr.P.C., presence of the petitioner at the spot is not proved, therefore, the learned court below committed serious error in passing the impugned order under Annexure-4 and hence, it is required to be interfered with and the proceeding to be quashed in the interest of justice.

6. Mr. Praharaj, learned Standing Counsel for the State submits that petitioner is charged not only under Section 307 IPC but under Sections 294, 323, 506 of IPC along with other allied offences. Moreover, the other accused persons have been chargesheeted in the meantime.

7. However, this Court finds that there is no satisfactory ground made out for interference with the order under challenge.

8. At this juncture, Mr.Mishra, learned counsel for the petitioner submits that since the chargesheet has been filed and the Court finds that the petitioner is involved, she should at least be directed to surrender and released on bail subject to conditions, as other accused persons have already been granted bail.

9. Considering the limited prayer made, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Gunupur on or before 20th December, 2022 in G.R. Case No.402 of 2020 in connection with Gunupur P.S. Case No.181 of 2020 and in the event she surrenders, the court below shall release her on bail with conditions keeping in view the facts and circumstances of the case.

10. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge