

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10948 of 2022

Manjulata Jena

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

20.12.2022

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 C.T Case No.341 of 2022, pending before learned J.M.F.C., Basta, arising out of Baliapal P.S. Case No.113 of 2022, for alleged commission of offences under Sections 498(A)/304(B)/306/34 of IPC.

3. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Balasore, by order dated 29.09.2022 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 13.05.2022 and since charge-sheet has been filed on 12.09.2022 inter alia under Section 306 of IPC, further continuance of the petitioner in custody is unwarranted.

5. Learned counsel for the State on instruction, submits that all the witnesses who have been examined have categorically stated

that because of the inhuman way that the petitioner treated her daughter-in-law, she was driven to commit suicide.

6. Considering that initially the FIR was lodged under Section 498(A)/304(B)/302/34 of IPC of IPC and ultimately charge-sheet was filed under Sections 498(A)/304(B)/306/34 of IPC and taking into account that the petitioner is a lady invoking the first proviso to Section 437(1) of Cr.P.C., this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

7. Accordingly, the BLAPL stands disposed of.

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

Ayesha

