

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11054 of 2021

Mita Kumari Sahu

....

Petitioner

Mr.S.Ch.Mohapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.J.P. Patra,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

10.01.2022

Order No.

03. This matter is taken up through video conferencing mode.

Heard learned counsel for the petitioner and the learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with S.T. Case No.72 of 2021 arising out of Berhampur Sadar P.S. Case No.19 of 2020 pending in the Court of learned Addl. Sessions Judge, Berhampur for alleged commission of offence under section 302/34 of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Berhampur, which was rejected on 22.12.2021.

Learned counsel for the petitioner submits that the petitioner was taken into judicial custody in

connection with this case on 23.01.2020 and this Court on account of pregnancy of the petitioner and giving birth to a child, granted interim bail from time to time in BLAPL No. 4162 of 2020 and after availing the interim period, the petitioner surrendered before the learned trial Court on 16.07.2021.

Pursuant to the order dated 17.12.2021, status report was called for from the learned trial Court and the learned trial Court has furnished the status report dated 22.12.2021, from which it appears that since the Presiding Officer is not there, charge could not be framed.

It is stated at the Bar that the petitioner along with her breast feeding baby is staying in the jail custody.

Learned counsel for the State was asked to obtain instruction about the health condition of the petitioner and her child through the concerned Jail Superintendent.

Today, learned counsel for the State has furnished the instruction vide letter dated 24.12.2021 of the Senior Superintendent, Circle Jail, Berhampur enclosing the letter of the Medical Officer of the said jail, from which it appears that the health condition of the petitioner and her child is stable. The letter of the Senior Superintendent, Circle Jail, Berhampur along with the letter of the Medical Officer is taken on

record.

Considering the submissions made by the learned counsel for the respective parties, since the petitioner is a lady and she has delivered a child and in view of the proviso to section 437(1) of Cr.P.C., while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release. The petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper including the conditions that while on interim bail, the petitioner shall not try to come in contact with the prosecution witnesses or tamper with the evidence, shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial. Violation of any of the terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide office order dated 7th January 2022.

(S.K. Sahoo)
Judge

PKSahoo

