

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11240 of 2021

Banita Swain

....

Petitioner

Mr. S.R Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, S.C. for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

27.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties and perused the records.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Tangi P.S. Case No.125 of 2021 in G.R. Case No.1528 of 2021, corresponding to S.T. Case No.218 of 2021, pending in the court of learned Sessions Judge, Cuttack, for commission of alleged offences under Sections 302/34 I.P.C.
4. Learned counsel for the Petitioner submits that there is no clinching material collected by the I.O. to prove that there is any motive or any specific overt act for the alleged offences. It is further submitted that since Petitioner is a permanent resident of Cuttack district, there is also no chance of tampering the prosecution case or avoid the trial of the case.
5. Learned Standing Counsel for the State vehemently objected to the bail of the Petitioner. It is submitted that charge-sheet has

already been submitted on 28.08.2021. He, however, submits that if the Petitioner is released on bail, stringent conditions may be imposed on the accused Petitioner.

6. Having heard learned counsel for the parties and considering the fact that Petitioner is a lady and the only allegation in the FIR was that she was present at the spot of the occurrence. The main allegation was against the husband of the present Petitioner, who had assaulted the deceased and further the Petitioner has a small child, who has to be taken care by the Petitioner, this Court directs that the Petitioner be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) with two solvent sureties for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall cooperate with the investigation and shall not threaten the witnesses or tamper with the evidence in any manner, whatsoever.

7. With the above direction, the BLAPL is accordingly allowed.

8. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge