

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2555 of 2023

Bunu @ Binaya Sahu

....

Petitioner

Mr. P.K. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.05.2023

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.(SS) No.201 of 2022, pending on the file of the learned Additional Sessions Judge, Kamakhyanagar arising out of Kankadahad P.S. Case No.94 of 2022, for alleged commission of offences under Sections 498-A/306/406/34 of IPC read with Section 4 of D.P. Act.
3. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Kamakhyanagar by order dated 25.02.2023 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 08.07.2022 on the accusation of commission of offences inter alia under Section 302 of IPC.

5. It is stated that after investigation charge sheet has been submitted on 06.09.2022 inter alia under Sections 498-A/306/406/34 of IPC read with Section 4 of D.P. Act.

6. Learned counsel for the petitioner further submits that the allegations are omnibus in nature and hence further continuance of the petitioner in custody is unwarranted.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the investigation has been kept open since there is no finality regarding the cause of death awaiting viscera report.

8. Considering the nature of allegations, 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. It is made clear that if on the basis of the viscera report the petitioner is to be charged for a higher offence in terms of the law laid down by the apex Court in the case of *Ms. X v. The State of Maharashtra and another* (2023 SCC Online SC 279) affirming its earlier judgment in *Pradeep Ram v. State of Jharkhand and another* reported (2019) 17 SCC 326, it shall be open to the prosecution to take steps in accordance with law.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha