



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3843 of 2026

Lucky @ Sashirekha Nayak

.....

Petitioner

Represented by Adv. -
Biswajit Sahoo

-versus-

State Of Odisha

.....

Opposite Parties

Smt. S. Nayak, ASC

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

06.05.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the application as well as documents annexed thereto.
 3. The present bail application under Section 483 of BNSS, has been filed by the Petitioner for regular bail relating to Khandapada P.S. Case No.357 of 2025, corresponding to G.R. Case No.346 of 2025, pending before the learned J.M.F.C., Khandapada further corresponding to S.T. Case No.67 of 2026 pending in the file of learned Sessions Judge, Nayagarh, for alleged commission of offence punishable under Section 103(1) of BNS, subsequently charge-sheet was submitted under Section 108 of BNS.
 4. As per the FIR allegation the informant lodged an FIR on 13.12.2025 alleging that last night at about 1:00 A.M. his daughter-



in-law, the present Petitioner, informed him over phone that the son of the informant was not responding. Upon getting such information the informant returned home where he was informed that his son has been shifted to CHC, Khandapada in 108 Ambulance and at the Hospital the doctor declared the son of the informant has dead. On the date of occurrence the informant and his wife were not present at home and they had gone to attend a ceremony. The informant has alleged that his daughter-in-law has killed his son. On the basis of such allegation the FIR was registered for commission of an offence punishable under Section 103(1) of BNS.

5. In the meantime the investigation has been concluded and a final charge-sheet has been filed under Section 108 of the BNS. Further, the records reveal that in course of investigation it was found that the death of the Victim is suicidal in nature as has been found during post mortem. Accordingly, the charge-sheet has been filed under Section 108 of BNS instead of Section 103(1) of BNS. Since the investigation has been concluded, the case is pending for trial.

6. Learned counsel for the Petitioner at the outset contended that the Petitioner, who happens to be a lady and the wife of the Victim, is languishing in custody since 15.12.2025. He further contended that the Victim committed suicide. He was also contended that the present Petitioner had no role in the Petitioners suicide. Learned counsel for the Petitioner further laid emphasis on the charge-sheet and submitted that the case has turned to one under Section 108 of the BNS as it was found during the investigation that the death of the Victim was suicidal in nature. He further submitted that the role of



the Petitioner can only be ascertained after the trial is conducted and after the witnesses have deposed during such trial. On such ground, learned counsel for the Petitioner contended that the Petitioner be released on bail on any stringent terms and conditions which the Petitioner shall abide by while on bail.

7. Learned counsel for the State on the other hand opposed the bail application of the Petitioner on the ground of gravity and seriousness of the allegation. She further contended that there was a matrimonial discord between the Petitioner and the Victim. The Victim could not tolerate the mental harassment and torture meted out to him by the Petitioner and was forced to commit suicide. She further submitted that although initially the case was registered under Section 103(1) of the BNS on the basis of the allegation made in the FIR. Subsequently the same has been converted to Section 108 of the BNS. However, such conversion would not lessen the gravity of the crime committed by the present Petitioner. On such ground, learned counsel for the State contended that the bail application of the Petitioner be rejected at this juncture.

8. Having heard the learned counsels appearing for the respective parties and on a careful examination of the prosecution allegation as well as the role ascribed to the present Petitioner in the alleged crime, this Court found that the informant was not present at the time of occurrence. Initially, an FIR was lodged implicating the Petitioner in the alleged crime for commission of an offence punishable under Section 103(1) of the BNS. Later on, during the investigation it was found that the death is suicidal in nature. Therefore, the final charge-sheet has been for alleged commission of



offence punishable under Section 108 of BNS. Therefore, it is clear that the Petitioner has to face trial for commission of an offence punishable under Section 108 of BNS. Considering the period of detention of the Petitioner in jail custody, and the fact that the charge-sheet has already been filed, and the fact that the Petitioner is a lady having no criminal antecedent, this Court is inclined to release the Petitioner on bail subject to the Petitioner furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

9. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout