

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 9 of 2022

Narmada Digal

....

Petitioner

Mr. B.S. Pradhan, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. J.P. Patra

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

Order No.

27.01.2022

01.

This matter is taken up by video conferencing mode.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with C.T. Case No.129 of 2021 arising out of Belghar P.S. Case No.51 of 2021 pending in the Court of learned J.M.F.C., Tumudibandh for alleged commission of offences under sections 465/468/471 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted

that the petitioner was initially appointed as Gana Shikshyak in the District Education Circle, Kandhamal, Phulbani and after serving more than eight years as such, the petitioner was selected and appointed as Assistant Teacher being possessed with requisite educational qualification i.e. OTET and training qualification and since then she has been discharging her duties to satisfaction of her authorities. It is further submitted that a false case has been foisted and since the petitioner is a lady and the offences are triable by Magistrate, the bail application of the petitioner may be favourably considered.

Learned counsel for the State on the other hand, submitted that the OTET certificate which was produced by the petitioner was sent to the Board of Secondary Education, Odisha by the District Project Co-ordinator, RTE-SSA, Kandhamal to ascertain its genuineness, but the same has been proved as a fake one at BSE (O)-Level. He further submitted that interrogation of the petitioner is very much necessary.

Learned counsel for the petitioner submitted that the petitioner is ready and willing to co-operate with investigation.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the fact that the offences are triable by Magistrate and the petitioner is

a lady, keeping in view the proviso to section 437(1) of Cr.P.C., I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, she shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties for the like amount to the satisfaction of the arresting officer with further conditions that she shall cooperate with the investigation and shall not try to tamper with the evidence and shall appear before the Investigating Officer as and when required but to that effect, written intimation has been served on her. If the petitioner fails to appear on the date fixed or does not cooperate with the investigation, the prosecuting agency is at liberty to seek appropriate remedy for cancellation of the anticipatory bail order of the petitioner.

The ABLAPL is accordingly 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.

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(S.K. Sahoo)
Judge

