

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.19 of 2022

Rina @ Renubala Panda

.... ***Appellant***
Mr.M.R.Khatua, Advocate

Versus

1. Kumari Monali Mallik
2.State of Odisha

.... ***Respondents***
Mr. S.S.Pradhan, AGA
(O.P.2)

CORAM:
JUSTICE SAVITRI RATHO

ORDER
05.09.2022

Order No.

04.

This matter is taken up by hybrid mode.

2. Perused the report dated 22.08.2022 of the learned District and Sessions Judge, Kendrapara wherein he has stated that on 04.04.2022, the accused persons had filed a petition under Section 227 of Cr.P.C. for discharge and the same has been rejected on 30.06.2022 and charge could not be framed due to absence of the accused persons on the date fixed. Thereafter, the case was posted to 25.08.2022 for framing of charge.

3. Mr. M.R.Khuntia, learned counsel for the appellant submits that till date, charge has not been framed in this case.

4. This is the second journey of the appellant to this Court under Section 14-A (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) praying for bail in T.R. No.86 of 2021 pending in the Court of learned Sessions Judge-cum-Special Judge, Kendrapara which corresponds to Marsaghai P.S. Case No.275 of 2021 for commission of offences punishable under Sections 370/417/294/506/34 of I.P.C. read with Section 3 (1) (r) (s)/3 (2) (va)

of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act). The prayer for bail of the appellant in CRLA No.480 of 2021 at that stage has been rejected vide common order dated 02.12.2021 passed by this Court while the prayer for bail of the other three co-accused persons had been allowed.

5. Notice had been issued to opp. party No.1 (informant) in this case and Mr. Ashok Kumar Sahoo, learned counsel and associates have entered appearance on her behalf.

6. The prosecution case in brief is that the victim girl aged about 13 years had been impregnated by one Barun Majhi. As she was a minor after she gave birth to a female child on 31.12.2017 at Keonjhar District Hospital, she was transferred to Swaraj Seva Gruha, a Child Care institution of Lutheran Mahila Samiti on 2.1.2018 along with her new born baby daughter where the appellant was employed. She took the signature of the victim and LTI of her parents by misleading them and separated her baby from her. The baby was not returned to her and she was threatened by the co-accused persons and the appellant. The child has been sold with the connivance of co-accused-Pravat Chandra Bhuyan, Renubala Panda and staff of the Collectorate under the Juvenile Justice (Care and Protection of Children) Act, 2015.

7. Mr. M.R.Khuntia, learned counsel for the appellant submits that the appellant is in custody since one year and even though proper procedure has been followed before giving the child of the minor victim girl in adoption and the appellant had no role in the same, false allegations have been made against her with intention to extract money. He submits that the case is now posted for charge and the

other accused persons, except the absconding accused and the appellant, have been released on bail. The appellant is a lady and since she is in custody for more than one year and as charge sheet has not yet been submitted against her in Marshaghai P.S. Case No.187 of 2021, her prayer for bail may be allowed.

8. Mr. S.S.Pradhan, learned Addl. Government Advocate opposes the prayer for bail stating that while the victim was in Swaraj Seva Gruha, where the appellant alongwith the main accused Pravat Kumar Bhuyan @ Bapi have taken the signature of the victim girl on some documents and also separated the child from the victim by giving false excuses. He further submits that the appellant has criminal antecedent of similar nature as she is an accused in Marshaghai P.S. Case No.187 of 2021 alongwith co-accused-Pravat Bhuyan where investigation has been kept open.

9. Considering the submissions of learned counsel for the parties and the fact that the appellant is in custody for more than one year and the main accused is absconding, I am inclined to allow the prayer for bail of the appellant.

10. The appellant– Rina @ Renubala Panda shall be released on bail on such terms and conditions as the learned trial Court may deem fit and proper, including the following conditions:-

- (i) The appellant shall appear in the trial Court on the date it is fixed for framing of charge and thereafter for trial.
- (ii) The appellant shall not indulge in any criminal activity while on bail.
- (iii) The appellant shall not tamper with prosecution evidence or try to influence witness.

11. The Criminal Appeal is accordingly disposed of.
12. Urgent certified copy of this order be granted on proper application.

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Savitri Ratho
Judge

Bichi

