

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.488 of 2022

Mamata Mahanta* *Petitioner

Mr. P. Panigrahi, *Advocate*

-versus-

State of Odisha* *Opp. Party

Mr. A. Das

Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

02.02.2022

Order No.

01.

This matter is taken up through 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 Kamakshya Nagar P.S. Case No.461 of 2021 corresponding to G.R. Case No.752 of 2021 pending in the Court of learned S.D.J.M., Kamakhya Nagar for alleged commission of offences under sections 363/366/109 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the case was initially registered under section

363/34 of the Indian Penal Code but subsequently the case has turned to one under sections 366 of the Indian Penal Code and the main allegation is against Kulu Munda and the informant suspected the petitioner, who is his own sister-in-law, to be behind the alleged kidnapping and in absence of any other materials and keeping in view the proviso to section 437(1) of Cr.P.C., the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the petitioner further submitted that the girl has been rescued and the main accused is in judicial custody.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and keeping in view the proviso to section 437(1) 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 each for the like amount to the satisfaction of the arresting officer with further

conditions that she shall make herself available for interrogation by the I.O. as and when required and she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the Courts or to the investigating Officer. Violation of any of the conditions shall entail cancellation of bail.

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.

p

