

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.852 of 2022**

***Bilasi Sethi @ Sethy* .... *Petitioner***

*Mr.Arijeet Mishra, Advocate*

*-versus-*

***State of Odisha* .... *Opp. Party***

*Mr.A.K. Beura*

*Addl. Standing Counsel*

**CORAM:  
JUSTICE S.K. SAHOO**

**ORDER  
03.02.2022**

**Order No.**

01. This matter is taken up through video conferencing mode.

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

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Telkoi P.S. Case No. 66 of 2006 corresponding to G.R. Case No.783 of 2006 pending in the Court of learned J.M.F.C., Telkoi, Keonjhar for the commission of the alleged offences punishable under sections 493, 417, 506, 376, 109/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that this case was instituted on 16.09.2006 for commission

of offences under sections 493, 417, 506 of the Indian Penal Code against one Maheswar Sethi, who is nonetheless the son of the petitioner and on completion of investigation, charge sheet was placed on 07.07.2007 under sections 493, 417, 506, 376, 109/34 of the Indian Penal Code against the petitioner and others. Learned counsel further submitted that so far as the petitioner is concerned, she has been charge sheeted under sections 109, 376, 493, 417, 506/34 of the Indian Penal Code. It is further submitted that during the course of investigation, the investigating agency did not think it proper to arrest the petitioner and accordingly, while submitting the charge sheet she was shown to be 'not arrested'. Learned counsel further submitted that an application under section 482 of the Code of Criminal Procedure vide CRLMC No. 2427 of 2006 was filed by the co-accused Maheswar Sethi and further proceeding of the case was stayed and ultimately the said CRLMC was disposed of on 30.11.2017 and this Court vacated the interim order of stay and disposed of the CRLMC by directing the learned S.D.J.M., Keonjhar to take expeditious steps in the matter. Learned counsel further submitted that after receipt of the order from this Court, summons were issued to the petitioner for her appearance on 27.03.2019 and when the summons returned back after due service and the petitioner was not found present at the time of call of

the matter and no step was taken on her behalf, non-bailable warrant of arrest was issued against her for which she is apprehending her arrest. Learned counsel further submitted that the petitioner is a lady aged about seventy years and the main allegation is against the son of the petitioner and in case the petitioner is taken into custody by virtue of the non-bailable warrant of arrest, she is likely to suffer prejudice.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, while not inclining to grant anticipatory bail to the petitioner, liberty is granted to the petitioner to surrender and move for bail in the Court below within a period of four weeks from today in the event of which the learned Courts below shall dispose of the same in accordance with law expeditiously. While disposing of the bail application, the Courts below shall take into account the fact that at the time of filing of the charge sheet, the investigating agency thought it proper not to arrest the petitioner and accordingly, reflected the same in the charge sheet so also the age of the petitioner and the proviso to section 437(1) of Cr.P.C. The case records shall be made available to the Courts concerned for disposal of the bail application.

The ABLAPL stands 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 7<sup>th</sup> January 2022.

**( S.K. Sahoo )**  
**Judge**

PKSahoo

