

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1165 of 2022

Kabita Behera

....

Petitioner

Mr. R.K. Patnaik, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. J.P. Patra,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

09.02.2022

Order No.

01.

This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical 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.20 of 2022 arising out of Thakurmunda P.S. Case No.15 of 2022 pending in the Court of learned J.M.F.C., Thakurmunda for alleged commission of offences under sections 294/323/307/506/34 of the Indian Penal Code.

Perused the first information reports annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted

that it is a case and counter case and the petitioner Kumari Kabita Behera, Forest Guard of Thakurmunda lodged the first information report on 26.01.2022 against the informant Bhaskar Chandra Ghana and accordingly, a case under sections 294/354-A/506 of the Indian Penal Code was instituted and just as a counter blast to the said case, the present case has been instituted against the petitioner so also one Kishore Kumar Panigrahy for commission of offence under section 307 of the Indian Penal Code and other offences. He further submitted that there are no such materials against the petitioner so as to attract the ingredients of the offence under section 307 of the Indian Penal Code and in an exaggerated manner, the first information report was presented just to harass the petitioner and therefore, the anticipatory bail application of the petitioner may be favourably considered.

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

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and the petitioner is a lady, 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 such facts to the Court or to the Investigating Officer.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

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

RKM