

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3927 of 2022

Dr. Kamila Swan @ Tirkey

....

Petitioner

Mr. B.B. Misra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.05.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents as well as statement of the witnesses.
 3. This is an application under Section 439 of the Criminal Procedure Code.
 4. The petitioner is an accused in C.T. No.3996 of 2021 arising out of Bhubanedswar Mahila P.S. Case No.86 of 2021 pending in the court of learned S.D.J.M., Bhubaneswar for commission of offence punishable under Sections 498-A/419/468/471/494, I.P.C.
 5. It is alleged that the present petitioner is 2nd wife of the petitioner, who is in custody and later on married many other women. Hence, this case.
 6. It is submitted by learned counsel for the petitioner that the

petitioner is serving a doctor at IFFCO, Phulpur, Ghiya Nagar, Allahabad, U.P. and she has been falsely implicated in the present case and that the petitioner is in custody since 06.04.2022 and investigation of the case has been completed and charge-sheet in the case has been submitted. He also submits that the petitioner does not have any criminal antecedents and there is no scope for absconding or fleeing from the hands of the justice and that the bail application of the petitioner may be considered. It is also submitted that the injuries sustained by the injured are simple in nature.

7. Mr. Nayak, learned Additional Standing Counsel for the State vehemently opposes the prayer for bail of the Petitioner and submits that the petitioner will influence the prosecution witnesses after releasing on bail. However, he submits that if the petitioner is released on bail, stringent conditions may be imposed on the petitioner.

8. Having heard learned counsel for the parties and considering the period of custodial detention of the Petitioner and the lady and she is serving as a doctor, it is directed that let the petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that :-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. she shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever; and

III. she shall not make any default in attending the court during trial on each date without fail; and

IV. she shall furnish his address and mobile number to the police from time to time.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

10. The Bail Application is accordingly disposed of.

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

Jagabandhu

