

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8479 of 2021

Dr. Minarani Bhuyan.

....

Petitioner

M/s. Manoranjan Khatua, A. Khatua, Advocates

-versus-

State of Odisha.

....

Opposite Party

Addl. Standing Counsel – For the State

Mrs. Sujata Jena, Advocate – For the Informant

**CORAM:
JUSTICE S. PUJAHARI**

**ORDER
18.05.2022**

**Order
No.**

04.

1. Apprehending his arrest in Marshaghai P.S. Case No.187 of 2021 corresponding to G.R. Case No.890 of 2021 registered under Sections 376(2)(d)(i), 370, 403, 406/34 of IPC in the court of the SDJM, Kendrapara, the petitioner has filed this application under Section 438 of Cr.P.C. seeking for pre-arrest bail.

2. Heard the learned counsel for the petitioner, learned counsel for the State as well as the learned counsel appearing for the Informant.

3. As the F.I.R. reveals, the sister of the Informant suffers from mental disorder, and that her marriage had been solemnized in the year 2014. As her husband was jailed in a murder case, she used to stay in Nibedita Ashram, and during her stay there, she gave birth to a baby boy. It is alleged that subsequently she was subjected to rape and gave birth to another baby boy, and that the present petitioner who happened to be the Secretary of Lutheran Mahila Samiti in connivance with others misappropriated a sum of Rs.1,44,000/- which she had earned from working as House Keeper in Lutheran CCI and also they hatching a conspiracy sold away her sons. The investigation is reportedly left open under Section 173(8) of Cr.P.C. by the police, after submission of charge-sheet against a co-accused, namely, Kunjabihari Das.

4. It is submitted by the learned counsel for the petitioner that the alleged incident was never to the knowledge of the petitioner, and that she took over

charge of the Secretary of the Organisation in the year 2019 and thereafter she came to know some illegal activities and mismanagement of the affairs by the President of the Organization, and that in the month of April, 2021 when the sister of the Informant disclosed to her that Pramila Tripathy, President of the Organization insisted the victim to work in the house of her brother – Jagannath Tripathy, and thereby facilitated the said Jagannath to commit forcible sexual intercourse with the victim, the petitioner lodged a report with police giving rise to registration of Marsaghai P.S. Case No.183 of 2021 under Section 376 of IPC and other offences. According to the petitioner, in the wake of the aforesaid case, Pramila Tripathy out of grudge managed to foist the present case in order to get rid of rigour of the aforesaid case.

5. The learned counsel for the State as well as the learned counsel for the Informant have opposed to the

application on the ground of the nature and gravity of the crimes.

6. As it appears, the victim in this case is a woman suffering from mental disorder, and she underwent the ill plight while taking shelter in a Charity Home. Investigation is still left open by police and there may be necessity of custodial interrogation of the accused-petitioner. In the facts and circumstances and taking note of the gravity of the offences, this Court does not find it to be a fit case to grant pre-arrest bail to the petitioner.

7. Hence, the ABLAPL stands dismissed.

(S.Pujahari)
Judge

MRS