

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.8596 OF 2021

Nirakar Sethi & Another

....

Petitioners

Mr. A.C. Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

04.08.2022

Order No.

02. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. During course of hearing, learned Counsel for the Petitioners does not want to press this bail application in respect of the Petitioner No. 1. Accordingly, this application stands disposed of as not pressed in respect of Petitioner No.1. The ABLAPL is now confined only to Petitioner No. 2, hereinafter referred to as 'the Petitioner'.
3. Learned counsel for the Petitioner submits that here in the case, these Petitioner being the mother of accused Prasanta against whom the allegations as to commission of principal offences run and this Petitioner other well wisher have been unnecessarily arraigned in the case being assigned with the role at the later point of time having no nexus with the commission of the principal offences. It is further submitted that the attempt to implicate the Petitioner in the above manner is only to harass her to the maximum. In view of all these above and in the absence of any such impediment; he urges for grant of bail to the Petitioner.

4. Learned Counsel for the State does not dispute the position that here as against accused-Prasanta, the allegations in respect of commission of the principal offences runs. He, however, opposes the move in view of the role said to have been played by the Petitioner.

5. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding circumstances of the case as also concerning the Petitioner; it is directed that in the event the Petitioner surrenders before the Court in seisin of the case in connection with Aul P.S. Case No. 186 of 2021 corresponding to G.R. Case No.387 of 2021 on the file of learned J.M.F.C., Aul within two weeks hence and moves for her release on bail, she shall be released on bail on such terms and conditions as would be deemed just and proper by the said Court in seisin of the case with further condition that she will not threaten or terrorize the prosecution witnesses including the victim in any manner.

6. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan