

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5919 of 2021

Nilima Lenka

.... ***Petitioner***
Mr. D.P. Dhal, Sr. Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P.K. Pattnaik, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
11.11.2022

Order No.

11. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with G.R. Case No.1515 of 2020 arising out of Lalbag P.S. Case No.311 of 2020 pending in the file of learned S.D.J.M.(S), Cuttack for commission of offences punishable under Sections 420/409/408/403/120(B)/34 of IPC, on the allegation of cheating the informant by misappropriating the loan amount cleared by him.
3. In the course of hearing of the bail application, Mr. D.P. Dhal, learned Senior Counsel for the petitioner submits that FIR named co-accused Lala Amritsagar Ray @ Lala Amrut Sagar Ray and Satyam Pradhan who both stand on higher pedestal of accusations have already been granted bail but the petitioner being a lady is entitled to the benefit of the first proviso appended to Section 437 of Cr.P.C. for grant of bail to her and she having been detained in custody for around two years, should be released on bail at least on the principle

of parity. It is also contended that all the allegations appearing against the petitioner are false and motivated and she has been roped in this case on the allegation of entering into conspiracy with other co-accused persons but that is not established from a conspectus of materials on record. It is accordingly prayed by him to release the petitioner on bail.

4. On contrary, learned counsel for the State, vehemently opposes the bail application of the petitioner and further submits that the petitioner cannot be equated with co-accused persons released on bail as she was alleged to have misappropriated money of loanees, it would be very unfair to extend the principle of parity to her. It is accordingly prayed to reject the bail application of the petitioner.

5. Considering the rival submissions made, taking into account the nature and character of accusation as also the gravity of offences alleged and keeping in view the pre trial detention of the petitioner for near about two years and all the offences alleged against the petitioner being triable by Magistrate First Class and the fact that the status of the petitioner being a lady is entitled to the benefit of first proviso appended to Section 437 of Cr.P.C. for grant of bail and regard being had to the release of two co-accused persons named in the FIR on bail in BLAPL No. 441 of 2021 and 2824 of 2022, this Court considers the bail application of the petitioner favourably.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without

fail unless her attendance is dispensed with and that she shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

