

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6136 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.1591 of 2020 arising out of Lalbag P.S. Case No.321 of 2020 pending in the file of learned S.D.J.M.(S), Cuttack for commission of offences punishable under Sections 420/406/409/467/468/471/379/120(B)/34 of IPC.
 3. Learned counsel for the petitioner while arguing in the matter submits that the petitioner being a lady is entitled to the benefit of first proviso to Section 437 of Cr.P.C. for grant of bail to her and she has been alleged as a conspirator in the case and she had no role in the commission of the crime. It is further submitted by him that although five cases are pending against the petitioner, but the trial has not yet commenced in all the cases and the trial only in two cases has commenced as per instruction received and all the offences alleged against the petitioner are triable by Magistrate First Class. In summing up his argument, learned counsel for the petitioner, however, prays for disposal of the bail application with liberty to the

petitioner to approach the learned trial Court in an application U/S.437(6) of Cr.P.C. for her release on bail.

4. In reply, learned counsel for the State, however, opposes the prayer for bail of the petitioner but he does not dispute or raise any objection to the prayer of the petitioner for grant of liberty to approach the learned trial Court U/S.437(6) of Cr.P.C on the ground that the same is a statutory provision for the accused persons.

5. Mr. A.K. Choudhury, learned counsel appearing for the informant submits that the petitioner is not only the principal conspirator but also is the prime accused in this case and her release on bail would definitely hamper the free and fair trial. However, learned counsel for the informant does not raise any objection to the prayer for the petitioner for grant of liberty to approach the learned trial Court U/S.437(6) of Cr.P.C on the ground that the same is a statutory provision.

6. In view of the aforesaid submissions of the parties, this Court without adverting to the materials on merit of the case disposes of the bail application with liberty to the petitioner to approach the learned trial Court in an application U/S.437(6) of Cr.P.C. and in that event, the learned trial Court shall do well to dispose of the same in accordance with law.

7. Accordingly, the BLAPL is disposed of.

(G. Satapathy)
Judge

Subhasmita