

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9852 of 2022

Babby Gagerenga @ Bobby

.... ***Petitioner***
Mr. S.S. Ray-2, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with T.R. Case No.74 of 2022, arising out of Muniguda P.S. Case No.128 of 2022 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Gunupur for commission of offence punishable under Sections 20(b)(i)(a)/25 of the NDPS Act
5. It is submitted by learned counsel for the petitioner that the petitioner is a lady and she has been falsely implicated in the present case. It is further submitted by learned counsel for the petitioner that some of the co-accused persons were arrested at the spot and forwarded to the court. So far as the present petitioner is concerned, it is alleged by the police that she fled away along with another co-

accused person in a motorcycle. Further, it is further by learned counsel for the petitioner that the petitioner has filed MCP Card, which reveals that the petitioner was eight months pregnant on the date of occurrence. So, the petitioner cannot move properly and it is impossible to believe that the petitioner fled away at the spot with another co-accused persons.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, the petitioner shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the petitioner has any criminal antecedents of similar nature. In the event it is found that the petitioner has any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

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

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge