

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6863 of 2021

Jamuna Lima

.... ***Petitioner***
Mr. S.K. Nayak, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
10.02.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in C.T. Case No.18(A) of 2018 arising out of Gudari P.S. Case No.28 of 2018 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Gunupur for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
5. Learned counsel for the Petitioner submits that the Petitioner has been falsely implicated in this Case and she is in custody since 03.08.2021. It is further submitted by learned counsel for the Petitioner that the petitioner has only one criminal antecedent of similar nature of offence where she has been released on bail by this Court.
6. Learned counsel for the State vehemently opposes the prayer for

bail of the Petitioner.

7. Having heard learned counsel for the parties and considering the period of detention of the Petitioner and the fact that the Petitioner is a lady, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not be involved in any offence of similar nature, she shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever, shall not make any default in attending the court during trial on each date and shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is open for the court in seisin over the matter to impose any other conditions in additional to the aforestated conditions as may be deemed just and proper.

9. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents except one criminal antecedent as indicated hereinabove. In the event it is found that the Petitioner has any such criminal antecedents of similar nature other than the one indicated hereinabove, this bail order shall automatically stands revoked.

10. The Bail Application is accordingly disposed of.

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

