

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10078 of 2022

Indumati Prusty

....

Petitioner

Mr. K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
02.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in C.T. Case No.1446 of 2022, pending in the file of learned Judicial Magistrate First Class, Chandikhole, arising out of Jenapur P.S. Case No.252 of 2022, for alleged commission of offence under Sections 420 of IPC and is in custody since 20.09.2022.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Assistant Sessions Judge, Chandikhole by order dated 27.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the allegation is short deposit of the money collected from the members of S.S.G Group.

6. It is submitted that since substantial amount has already been deposited by the petitioner, further continuance of the petitioner in custody is not warranted.

7. It is also stated that the petitioner is a disabled person and keeping in view the first Proviso to Section 437(1) of Cr.P.C., she seeks release.

8. Learned counsel for the State opposes the prayer for bail inter alia on the ground that the petitioner has antecedents of similar nature.

9. Taking into account the petitioner is a lady and a disabled one, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

10. Additionally it is directed that the petitioner shall appear before the Investigating Officer on the date and time as fixed by the learned Court in seisin over the matter. While fixing the first date and time of such appearance, the learned Court in seisin shall keep in mind that the petitioner is a lady and is physically challenged.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi