

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3331 of 2022

Tilottama Sahoo

....
Mr. Satya Ranjan Pati, Advocate

Petitioner

-Versus-

State of Odisha and Others

....
Mr. T.K. Praharaj, S.C., OP Nos.1 to 3
None for OP No.4

Opposite Party

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

17.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State-OP Nos.1 to 3. None appears for OP No.4.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner praying for quashing of the order of NBWA dated 26th October, 2022 passed by the learned Judicial First Class Magistrate-II, Kottayam, Kerala in S.T. No. 256 of 2022 and prayed for transit bail in order to enable him to appear before the court concerned on a specific date.
 3. Learned counsel for the petitioner submits that the complaint is filed in the court at Kottayam in the State of Kerala in S.T. No.256 of 2022, wherein, a non-bailable warrant of arrest dated 26th October, 2022 has been issued, however, considering the fact that the offence is under Section 138 of N.I. Act, the petitioner should be on transit bail in order to facilitate him to appear on the date fixed by the court and while claiming so, learned counsel for the petitioner cites a judgment of Allahabad High Court in the case

of **Vashudev Garg Vrs. State of U.P. and three others** decided in Criminal Misc. Anticipatory Bail Application No.5593 of 2022 and disposed of on 15th July, 2022 wherein similar relief has been granted. Also referring to the judgment of the Bombay High Court in the case of **Nikita Jacob Vrs. The State of Maharashtra** (Anticipatory Bail Application No.441 of 2021 decided on 17th February, 2021), it is submitted that in the facts and circumstances of the case, transit bail should be granted in favour of the petitioner so that she would be able to appear before the court concerned and apply for regular bail.

4. Mr. Praharaj, learned counsel for the State submits that necessary orders may be passed with regard to the relief sought for.

5. The Court perused the judgment of the Allahabad High Court in the case of **Vashudev Garg** (supra) while dealing with a similar matter, the Court referred to the decision of Bombay High Court in case of **Nikita Jacob** (supra), wherein, it has been held that there is no legislation or law which defines 'transit or anticipatory bail' or any specific term and that the 41st Law Commission Report, recommended the provision of anticipatory bail to safeguard the right to life and personal liberty of a person under Article 21 of the Constitution of India. The term 'transit' means the act of being moved from one place to another while the word 'anticipatory bail' means a temporary release of any accused person who is anticipating arrest, therefore, transit anticipatory bail refers to bail granted to any person, who is apprehending arrest by police of a State other than the State he is presently located in.

6. Having regard to the above facts and considering the submissions of the learned counsel for the petitioner and the State, the Court is of the view that the petitioner should be granted transit bail till 25th December, 2022 and until then, no coercive action shall be taken against her in connection with S.T. Case No.256 of 2022 pending in the court of learned Judicial First Class Magistrate-II,

Kottayam in the State of Kerala so as to enable her to apply for regular bail within that period by approaching the court concerned.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with the above direction.

9. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

