

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO. 10379 of 2021

***Mamata Devi @ Mamta
Jat***

....

***Petitioner
Mr.S.K.Mahanty Adv.***

-versus-

State of Odisha

***....Opposite Party
Mr.G.Mohapatra, SC***

**CORAM:
JUSTICE S.K. PANIGRAHI**

**Order
No.**

**ORDER
12.04.2022**

03. 1. This matter is taken up by virtual mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in G.R. Case No. 189 of 2019 arising out of Sambalpur Town Case No.32 of 2019 pending before the court of learned Sub Divisional Judicial Magistrate Sadar, Sambalpur, registered for the alleged commission of offence under Sections 366/376/370/342/328/323 and 120-B of Indian Penal Code, has filed this application under Section 439 of Cr.P.C. for her release on bail.
4. The brief fact of the case is that the informant Nimai Bag lodged a written report before the Police alleging that her daughter (victim) has been missing since one and a half months. The informant along with other relatives has not been able to trace her daughter. The informant notified that the victim has been working under one Bishnupriya Sahoo of Gujurati colony of Sambalpur. On enquiry, Bishnupriya Sahoo replied that she has no idea of the victim's

whereabouts. However, the cycle and the dress of the victim were recovered from the house of the said Bishnupriya and further there are details of one Nilamani Naik to whose account an amount of Rs.2,000/- was directed to be transferred. Thereafter, finding no other way, the informant lodged the FIR in the Police station.

5. Learned counsel for the petitioner submits that the charge sheet has been submitted. The allegations leveled against the petitioner are untrue and concocted and the present FIR has been lodged to harass the petitioner. Moreover, the petitioner has not been named in the FIR. Learned counsel further submits that the victim is the friend of the sister of the petitioner and the victim has consensually married the said Sukhbir Singh Jat. Although from the statement under Section 164 Cr.P.C. the petitioner who is the principal accused has already been released on bail by order dated 29.04.2019 of this Court in BLAPL No.2461 of 2019.

6. Learned counsel for the State though vehemently opposes the prayer for bail of the petitioner.

7. Considering the submissions made and the factum of release of co-accused similarly situated with the petitioner as well as period of detention of the petitioner in custody, it is directed that the petitioner be released on bail in the aforesaid case with some stringent terms and conditions as deemed just and proper by the learned court in seisin over the matter with further conditions that:-

- i. the petitioner shall appear before the learned trial court on each date of posting of the case;

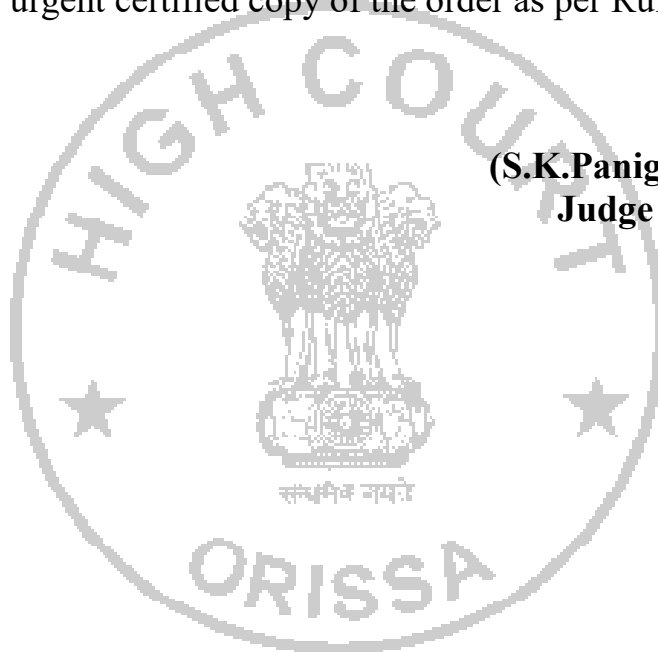
- ii. she shall not indulge herself in any criminal offence while on bail and
- iii she shall not tamper with the evidence of the prosecution evidence in any manner.

8. Violation of any of the conditions shall entail cancellation of the bail.

9. The BLAPL is accordingly disposed of.

10. Issue urgent certified copy of the order as per Rules.

(S.K.Panigrahi)
Judge



LB