

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15162 of 2022

Jhuna Balabantaray

....

Petitioner

Mr. Umakanta Tandi, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Debasis Biswal, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

14.12.2022

Order No.

01.

1. Heard learned counsel for the Petitioner and the State.

2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in apprehension of arrest for her alleged involvement in the offences U/s.341/294/323/307/325/379/420/506/34 IPC.

3. Learned counsel for the Petitioner submits that the co-accused, namely, Prafulla Kumar Jena has since been released on bail by this Court in ABLAPL No.12525 of 2022 and the Petitioner being in the same footing may be considered for pre-arrest bail.

4. In that view of the matter, the circumstances appearing, the seriousness and gravity of the offences, while this Court is not inclined to grant anticipatory bail, it is directed that in the event the Petitioner surrenders in connection with Tamando P.S. Case No.82 of 2021 corresponding to C.T. Case No.2141 of 2021 pending in

the court of learned S.D.J.M., Bhubaneswar within a period of two weeks' hence and moves for bail, she shall be released on such terms and conditions as would be deemed just and proper by the said court with further conditions that she shall appear in person before the court below on each date of posting of the case unless specifically exempted by the court concerned with the further conditions that she shall appear before the IO as and when required, shall not threaten or intimidate the Informant party in any manner whatsoever and shall cooperate with the investigation. Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

5. It is made clear that the learned court below shall verify the criminal antecedent of the Petitioner. In case more than one antecedent is noticed and the injury sustained by the injured is grievous, the order of this Court shall not be given effect to and the court shall be free to deal with the matter of bail according to its merit without further reference to the present.

6. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge