

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10661 of 2021

Kumari Barik

Petitioner

Mr. G.S. Nayak, Advocate

-versus-

State of Odisha

Opposite Party

Mr. Anupam Rath, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

21.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties and perused the relevant papers.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Bantala P.S. Case No.326 of 2021, corresponding to G.R. Case No.1350 of 2021, pending in the court of learned S.D.J.M., Angul for commission of alleged offence under Sections 341/354(B)/506/307/294/34 I.P.C.
4. Learned counsel for the Petitioner submits that Petitioner is an old woman and since there is an existing land dispute between the informant and the present Petitioner, the informant has falsely implicated the Present Petitioner and her son in the present case. Learned counsel for the Petitioner further submits that the statements of the witnesses recorded under Section 161 Cr.P.C. clearly reveal that both the parties are involved in an ongoing property dispute. After rejection of the order dated 22.11.2021 passed in Bail

Application No.708 of 2021, Petitioner has been forwarded to the jail custody since 30.09.2021.

5. Mr.Anupam Rath, learned Additional Standing Counsel for the State is not disputing to the fact that Petitioner is in jail custody since the date of her arrest i.e. on 30.09.2021. In the meantime, charge-sheet has been submitted in this case. It is submitted that in the event this Court is inclined to release the Petitioner on regular bail, stringent conditions may be imposed on the Petitioner.

6. Considering the nature of allegations and the fact that Petitioner is a lady and she is in jail custody since the date of her arrest, i.e. from 30.09.2021 and there is no chance of early conclusion of trial, I am inclined to release the Petitioner on bail in the above case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to further conditions that she will not tamper the evidence or threat the witnesses to the occurrence and she will cooperate with the trial of the case. Any violation of the conditions would entail cancellation of bail granted by this Court.

7. With the above direction, the BLAPL is accordingly allowed.

8. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April,

2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(A.K. Mohapatra)
Judge

U.K.Sahoo

