

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10666 of 2021

Mamata Behera

.... Petitioner

Mr. S.R. Rout, 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 Nischintakoili P.S. Case No.155 of 2021, corresponding to G.R. Case No.824 of 2021, pending in the court of learned J.M.F.C., Salipur for commission of alleged offence under Sections 341/323/326/307/34 I.P.C.
4. Learned counsel for the Petitioner submits that due to previous enmity, the present case has been foisted against the Petitioner. It is further submitted that the co-accused persons have been released on Anticipatory Bail by this Court. Moreover, the injuries sustained by the injured are found to be simple in nature, as per the Medical Report on record.
5. Mr.Anupam Rath, learned Additional Standing Counsel for the State is not disputing to the fact that the Petitioner is in jail

custody since the date of her arrest i.e. on 01.11.2021. 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 in jail custody since the date of her arrest, i.e. from 01.11.2021 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 with the evidence or threaten or influence the witnesses to the occurrence and she shall 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