

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.15733 OF 2021

Susama Sahoo

....

Petitioner

Mr. R.N. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Samaresh Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

23.09.2022

Order No.

02.

1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.

2. Learned Counsel for the Petitioner submits that even accepting the version of the victim as narrated in the F.I.R. as well as her statement recorded under Section-164 of the Cr.P.C., no such prima facie case for commission of the offence under Section-3(1)(xi) of SC & ST (P.A.) Act surfaces. He further submits that as per the allegations, this Petitioner is said to have asked the victim over telephone to go for abortion, when as against the other accused namely, Braja Sundar Sahoo, the principal allegations run. In view of all these above; he urges for grant of anticipatory bail to the Petitioner.

3. Learned Counsel for the State opposes the move. He however does not dispute that the role of this Petitioner being the wife of the principal accused-Braja is said to be to the extent of asking the victim over telephone to proceed for abortion and that the same even being accepted, no prima facie case for offence under Section-3(1)(xi) of the SC & ST (PA) Act stands.

4. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding

circumstances of the case as also concerning the Petitioner; it is directed that in the event the Petitioner surrenders before the Court in seisin of the case in connection with Bhubaneswar Mahila P.S. Case No.56 of 2021 corresponding to T.R. Case No.235 of 2021 pending in the Court of learned District & Sessions Judge-cum-Special Judge, Bhubaneswar within three weeks hence and moves for her release on bail, she shall be released on bail on such terms and conditions as would be deemed just and proper by the said Court.

4. The ABLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

