

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16255 of 2021

Satyabhama Nayak* *Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha* *Opp. Party

*Smt. Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

03.02.2022

Order No.

02.

This matter is taken up by video conferencing mode.

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.01 of 2017 arising out of Kodala P.S. Case No.01 of 2017 pending in the Court of learned J.M.F.C., Khallikote for alleged commission of offences under sections 498-A/302/304-B/34 of the Indian Penal Code read with section 4 of the D.P. Act.

Perused the F.I.R.

Learned counsel for the petitioner has produced the certified copy of the order sheet, which indicates

that non-bailable warrant of arrest has been issued against the petitioner.

It is the contention of the learned counsel for the petitioner that the petitioner is an old lady aged about seventy six years and she is unable to move and therefore, the anticipatory bail application may be favourably considered. Charge sheet has been placed in the case for the offences under sections 498-A/306/34 of the Indian Penal Code read with section 4 of the D.P. Act.

In view of the nature of accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of four weeks from today and moves for bail before the learned Court below, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and claim of parity with the co-accused persons, who are stated to have been released on bail, so also proviso to section 437(1) Cr.P.C. shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner

prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge

RKM

