

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16275 of 2021

Tribeni Pagal

....

Petitioner

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.A.K. Beura,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

20.01.2022

Order No.

01.

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 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with C.T. Case No.2484 of 2021 arising out of Mangalpur P.S. Case No. 561 of 2021 pending in the Court of learned S.D.J.M., Jajpur for alleged commission of offences under sections 341/323/294/354/506/34 of the Indian Penal Code.

Perused the FIR annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted that the petitioner is the sister-in-law of the informant Tapaswini Pagal and it is a case and counter case and due to civil dispute between the parties, the case has been foisted. He further submitted that the husband of the petitioner, namely, Abhaya Pagal approached this Court for anticipatory bail in ABLAPL No.15749 of 2021 and the bail application has been allowed as per the order dated 05.01.2022 and the petitioner is a lady and keeping in view the proviso to section 437(1) of Cr.P.C. the bail application of the petitioner may be favourably considered.

Learned counsel for the State has produced the case diary and submitted that there are three injured persons in this case, namely, Jaladhar Pagal, Tapaswini Pagal and Bijaya Pagal and all of them have sustained simple injuries.

Considering the submissions made by the learned counsel for the respective parties, the background of civil dispute between the parties, the nature of accusation against the petitioner and the fact that the offences are triable by Magistrate and the injured persons have sustained simple injuries and further taking into account the release of the co-accused on anticipatory bail and also keeping in view the proviso to section 437(1) of Cr.P.C., I am inclined to release the petitioner on anticipatory bail and accordingly this

Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, she shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with one surety each for the like amount to the satisfaction of the arresting officer with further conditions that she shall make herself available for interrogation by the I.O. as and when required and she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer.

Violation of any of the above conditions shall entail cancellation of bail.

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