

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15869 of 2022

Rashmita Pradhan

....

Petitioner

Mr. P.C. Moharana, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Rout, AGA

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
21.12.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. A memo dated 21.12.2022 has been filed by the learned counsel for the Petitioner stating therein that in the meantime, the case has been committed to the court of sessions and renumbered as Crl. T. No.256/2022, which is pending before the court of learned Sessions Judge, Dhenkanal.
3. Heard learned counsel appearing for the Petitioner and learned Additional Government Advocate appearing for the State-Opposite Party.
4. The Petitioner is seeking pre-arrest bail in connection with Nihalprasad P.S. Case No.216 of 2022, corresponding to Crl. T. No.256/2022, arising out of G.R. Case No.482 of 2022, pending in the Court of learned Sessions Judge, Dhenkanal, registered for alleged commission of offences punishable under Sections 376(2)(n)/294/506/34 of the I.P.C.
5. On perusal of F.I.R., it appears that one Prabhanjan Pradhan, who is the principal accused, had sexual relationship with the

informant for one year and finally on 14.11.2022 while the principal accused attempt to commit rape on the informant, she shouted and she was recovered by the local people present there. Accordingly, the F.I.R. has been lodged against the principal accused Prabhanjan Pradhan. So far as the present Petitioner is concerned, it is stated that she is the mother of the principal accused Prabhanjan Pradhan and the only allegation against her is that when the victim-informant entered to the house of the Petitioner, she did not allow to enter into her house and abused her in filthy language. Therefore, it is submitted that no case under Section 376 is made out against the Petitioner and at best it can be under Section 294/506/34 of the I.P.C., so far as present Petitioner is concerned.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant pre-arrest bail to the Petitioner. However, it is directed that in the event the Petitioner surrenders and moves an application for bail before the Court in seisin over the matter within a period of three weeks from today in the aforesaid case, the Court in seisin over the matter shall release him on bail on such terms and conditions as it would be deemed just and proper.

7. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge