

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11274 of 2021

Pritilata Mallik

.... ***Petitioner***
Mr. R. Naik, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER
14.11.2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with Spl. G.R. Case No.118 of 2021 arising out of Jagatpur P.S. Case No.118 of 2019 pending in the file of learned Additional Sessions Judge-cum-POCSO Act, Cuttack for commission of offences punishable under Sections 376(2)(n)/341/294/323/417/506/109/34 of IPC read with Section 6/17 of POCSO Act and Section 75 of J.J. (Care and Protection of Children) Act, on the allegation of subjecting the victim to rape by her husband and misappropriating the compensation money granted to the victim by cheating the victim and threatening her.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is an old lady and she has been inside custody since last three years but the trial is yet to be

concluded and co-accused Pratyush Kumar Mallick has already been granted bail in BLAPL No.908 of 2020. It is further submitted that the petitioner was granted interim bail in BLAPL No.768 of 2021 and as a law abiding citizen, she has surrendered to custody after availing the interim bail. Learned counsel for the petitioner under aforesaid submissions prays to grant bail to the petitioner.

4. On contrary, learned counsel for the State by taking through the allegation on record submits that the act of the petitioner is not only gruesome but also diabolical and the victim while being examined in the Court has alleged against the petitioner and the petitioner, thereby, should not be enlarged on bail.

5. Considering the rival submissions made, nature and character of accusations, circumstance in which the offence alleged to have been committed, release of co-accused Pratyush Kumar Mallick on bail and keeping in view the status of the petitioner as a lady enuring her to the benefit of first proviso to Section 437 of Cr.P.C. and fact that the petitioner had surrendered to custody after availing interim bail and regard being had to the pre trial detention of the petitioner, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless her attendance is dispensed with and that she shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

