

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16000 of 2022

*Rashmita Satpathy & Others*

....

*Petitioners*

Mr. R.N. Mishra, Advocate

-versus-

*State of Odisha*

....

*Opposite Party*

Mr.S. Jena, ASC

**CORAM:**

**MR. JUSTICE D.DASH**

**ORDER**

**22.12.2022**

**Order No.**

01. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel.
3. Considering the submissions and on going through the materials as placed, this Court is inclined to dispose of the ABLAPL in the light of the order passed by this court in the case of **Pramod Kumar Ray and others vs. State of Odisha, reported in (2017) 67 OCR – 309** with the following observations.
4. The petitioners shall surrender before the learned P.O. Special Court (S.C./S.T. P.A. Act), Cuttack in Cuttack Sadar P.S. Case No.487 of 2022 corresponding to C.T. Case No.315 of 2022 (S.C. & S.T.) within three weeks from today. Seven days before the petitioners surrender before the said Court, they or their counsel shall serve a copy of the bail application or

such number of copies of the bail application on the learned Public Prosecutor/Special Public Prosecutor, as required by him, for the purpose of notice to the victim or his/her dependent. On the date of surrender of the petitioners, the Public Prosecutor / Special Public Prosecutor shall be ready with the Case Diary and other relevant records of the case.

5. Taking into consideration the gravity of the offence, learned P.O. Special Court (S.C./S.T. P.A. Act), Cuttack shall consider the question whether to release the petitioners on interim bail on the same day awaiting sufficiency of notice on the victim or his/her dependent. If the said Court decides to grant interim bail to the petitioners on the basis of materials available on record, then the petitioners shall be released on interim bail on such terms and conditions as deemed just and proper, including the conditions that –

(1) the petitioners shall appear before the concerned I.O. once in a week on the day and time fixed by the said I.O. until further order by the learned P.O. Special Court (S.C./S.T. P.A. Act), Cuttack;

(2) the petitioners shall not threaten, induce or coerce any witness of this case or the victim or his/her dependent in any manner whatsoever; and

(3) the petitioners shall not involve themselves in any other offence during currency of this order.

6. It is made clear that, this order does not in any way compel the learned P.O. Special Court (S.C./S.T. P.A. Act),

Cuttack to exercise its discretion of granting interim bail in favour of the petitioners in view of the gravity of the offence. Such discretion shall only be exercised on consideration of the facts and circumstances, as found from the case record at the threshold, and learned P.O. Special Court (S.C./S.T. P.A. Act), Cuttack shall have jurisdiction to find out whether the captioned offence is made out against the petitioners and whether involvement of the petitioner are at the fringe only.

7. Issue urgent certified copy as per rules.



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