**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**ABLAPL No.14445 of 2024**

***Subasini Nayak*** **.....** ***Petitioner***

Represented By Adv. - Sangram Rath

*-versus-*

***State Of Odisha*** **.....** ***Opposite Parties***

Represented By Adv. – Mr.S.K.Parhi, ASC

**CORAM:**
**THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA**

**ORDER**
**18.12.2024**

**Order No.**

1. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

   2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State. Perused the records.

   3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 409, 120-B, 411/34 of the Indian Penal Code.

   4. It is stated by the learned counsel for the Petitioner that the Petitioner is the wife of the Ex-Paanchayat Samiti Member. He further contended that on the basis of an enquiry, the present F.I.R. has been registered. He further submitted that the Petitioner has

not been named in the F.I.R. and there is no specific allegation with regard to the involvement of the present Petitioner in the alleged crime. Further, he submitted that the Petitioner does not have criminal antecedent and that since the Petitioner belongs to the locality, there is no chance of his absconding.

5. Learned Additional Standing Counsel on the other hand objected to the release of the Petitioner on pre-arrest bail on the ground that the allegation made in the F.I.R. is grave and serious in nature and that in the event the Petitioner is released on bail there is every likelihood that he might influence the witnesses and might tamper with the prosecution witnesses.

6. Considering the submissions made by learned counsels for the respective parties and on careful examination of the materials on record and further keeping in view the fact that the case is of the year 2017 and the Petitioner is a lady and happens to be the wife of an Ex-Panchayat Samiti member, the Petitioner is directed to surrender and move an application for bail before the J.M.F.C., Konark in G.R.Case No. 352 of 2017 arising out of Gop P.S.Case No.173 of 2017 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to verification of criminal antecedent. In the event it is found that the

Petitioner is having any criminal antecedent of similar nature, this order shall not be given effect to.

Violation of conditions shall entail cancellation of bail.

7. The ABLAPL is disposed of accordingly.

8. Issue urgent certified copy of this order as per Rules.

***( ADITYA KUMAR MOHAPATRA)***
***JUDGE***

RKS

Signature Not Verified
Digitally Signed
Signed by: RAMESH KUMAR SINGH
Reason: Authentication
Location: High Court of Orissa
Date: 19-Dec-2024 11:09:12