IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11492 of 2025

Minati Ghosh @ Mohapatra .... ***Petitioner***

Mr. Sk Zafarulla, Advocate

-versus-

State of Odisha .... ***Opposite Party***

Mr. S.N. Das, ASC
Mr. S.K. Dwibedy, Advocate

CORAM: JUSTICE V. NARASINGH

ORDER

08.12.2025

Order No.

02. 1. Heard learned counsel for the Petitioner and learned counsel for the State as well as the learned counsel for the Informant.

2. The Petitioner is seeking pre-arrest bail in connection with C.T. Case No.1398 of 2025 pending on the file of learned JMFC, Soro, arising out of Soro P.S. Case No.726 of 2025 for commission of offences punishable under Sections 318(4)/ 319(2)/ 336(3)/ 340(2) of BNS, 2023.

3. It is submitted by the learned counsel for the Petitioner that an essentially civil dispute is being given the colour of criminality. It is stated that the allegations against the present Petitioner are that she forged the

signature of the Informant and filed C.S No.344 of 2007 and obtain the compromise decree whereby the properties were assigned to him as well as one Sisir Kumar Mohapatra since deceased.

4. It is submitted by the learned counsel that assailing the judgment and decree passed in the said suit another co-sharer has filed Civil Suit No.145 of 2019-I, which is pending before the learned Court of the Civil Judge (Sr. Division), Soro. Referring to the same, it is submitted that in the case at hand the F.I.R in the first place ought not to have been instituted wherein the informant has arrayed as defendant and taking into account the nature of allegations, the Petitioner may be protected by pre-arrest bail.

5. Learned counsel for the State and Informant oppose the prayer for pre-arrest bail.

6. It is submitted by the learned counsel for the Informant that the Petitioner had mens rea from the inception and very filing of the earlier civil suit whereby the signature of the present informant was forged goes to show that a case is well made out under the provision of the BNSS. Hence it is not open for the Petitioner to take shelter under the plea that it is a civil litigation.

7. Considering the rival submissions, it is directed that on surrendering within three weeks hence and moving for bail, the Petitioner shall be released on bail by the learned Court in seisin on such terms as

deemed just and proper subject to verification of criminal antecedent of similar nature.

8. If it comes to fore that the Petitioner has any such criminal antecedent, this order shall not be given effect to.

9. It is needless to state that the Petitioner shall cooperate with the ongoing investigation.

10. Accordingly, the ABLAPL stands disposed of.

(V. NARASINGH)
Judge

Soumya

Signature Not Verified
Digitally Signed
Signed by: SOUMYA RANJAN SAMAL
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 10-Dec-2025 11:16:49