

Indu Sethi Vs State Of Odisha

Court: Orissa High Court

Date of Decision: July 11, 2023

Acts Referred: Code of Criminal Procedure, 1973 " Section 437, 439

Indian Penal Code, 1860 " Section 368, 370, 373

Protection of Children from Sexual Offences Act, 2012 " Section 6

Hon'ble Judges: G. Satapathy, J

Bench: Single Bench

Advocate: A.Naik, S.R.Sahoo

Final Decision: Disposed Of

Judgement

G. Satapathy, J

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 T.R. Case No.505 of 2022 arising out of Khurda P.S.

Case No.483 of 2022 pending in the file of learned Special Judge (POCSO)-cum-Addl. Sessions Judge, Bhubaneswar for commission of offences

punishable under Section 363 of the IPC, but subsequently charge sheeted for commission of offence U/Ss. 368, 370, 373 of the IPC read with

Section 6 of the POCSO Act on the main allegation of trafficking the victim.

3. Heard Mr.A.Naik, learned counsel for the petitioner and Ms. S.R.Sahoo, learned ASC in the matter and perused the record.

4. After having considered the rival submissions made and taking into consideration the nature and gravity of accusations raised against the petitioner

and keeping in view the nature and strength of allegation available on record against the present petitioner and taking into account the mandate of first

proviso to Section 437 of Cr.P.C. and the status of the petitioner being a lady and her pre-trial detention in custody since 04.09.2022, this Court admits

the petitioner to bail.

5. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees

Fifty Thousand) 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 by it with following conditions:-

- (i) the petitioner shall not commit any offence while on bail.
- (ii) the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with.
- (iii) the petitioner shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the

above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the

petitioner for any offence in future on prima facie accusations may be treated as a ground for cancellation of bail.

6. Accordingly, the BLAPL stands disposed of.

7. Urgent certified copy of the order be granted on proper application.

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