



IN THE HIGH COURT OF ORISSA AT CUTTACK

JCRLA No. 92 of 2023

Niru @ Nirupama Seth

.....

Appellant/Petitioner

*Mr. Gokulananda Sahu,
Advocate*

-

versus-

State of Odisha

..... Respondent/Opp. Party

Mr. Jateswar Naik, AGA

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

29.06.2026

Order No.

I.A. No. 81 of 2026

11. 1. This is an application for grant of bail moved by the appellant.
2. The appellant has been convicted under Sections 302/201 of IPC and sentenced to undergo R.I. for life with fine of Rs.5,000/- (Rupees five thousand), in default to undergo R.I. for one year under Section 302 of IPC and R.I. for two years with fine of Rs.2,000/- (Rupees two thousand), in default to undergo R.I. for three months under Section 201 of IPC. The sentences were directed to



run concurrently.

The aforementioned judgment of conviction and order of sentence dated 11.03.2022 passed by the learned Addl. Sessions Judge, Padampur in C.T. Case No. 53-A of 2015 is under challenge in this appeal.

3. Learned counsel for the appellant submits that the petitioner is a lady and she was taken into judicial custody on 25.06.2015 and she was directed to be released on bail on 05.10.2016. Again she was taken into judicial custody on 29.07.2017 and thereafter she has never been released on bail. He further submits that the two co-accused persons who faced separate trial and have been found guilty, they preferred CRLA No. 616 of 2018 and the co-accused Premananda @ Paramananda Dandsena against whom the main allegation is there has been directed to be released on bail vide order dated 12.07.2023. He further submits that co-accused Bindu Bag has also been directed to be released on interim bail for a period of three months in I.A. No. 2560 of 2024 vide order dated 29.10.2024. The learned counsel further submitted that there are no eye witnesses to the occurrence. The case is based on circumstantial evidence. Therefore, the bail application may be favourably considered.

4. Learned counsel for the State, on the other hand, opposes the prayer for bail and submits that there are three eye witnesses to the occurrence, i.e. P.W.3, P.W.7 & P.W.8. Though P.W.7 & P.W.8, the child witnesses have



not supported the prosecution case and declared hostile by the prosecution, but P.W.3 has stated how the three accused persons including the appellant killed the deceased and she specifically stated that the accused, Premananda @ Paramananda Dandsena put a noose around the neck of the deceased and the accused Bindu made the deceased to stand on his foot by holding his hand and Paramananda pull the rope while the petitioner and the co-accused Bindu hold the hands of the deceased tightly against the wall. She has further stated that how there was digging of earth and cement tank was constructed and from where the dead body of the deceased was recovered. The learned counsel submitted that in view of the available material on record, the appellant should not be released on bail. He also placed the evidence of the Doctor (P.W.14), who conducted the post mortem examination and noticed cut injury around the chin of the deceased and opined that the cause of death was asphyxia and it is a case of homicidal death and he further stated that the injury, which was sustained in the chin of the deceased, is possible by the axe.

5. We have perused the record and the proceeding in the present appeal. It appears that vide order dated 06.02.2025 after appreciation of the entire material on record, the Coordinate Bench of this court although declined to suspend the sentence pending appeal, however taking into account the custody period of eight



years ten months then and the appellant being a lady, released her on interim bail for a period of three months.

6. On availing the aforementioned relief of three months interim bail period, the appellant was let off. During the interregnum period of interim bail, her conduct was assessed by the OIC, Paikmal P.S. and has placed a report dated 02.04.2026, which reads as under:-

"With reference to letter no and JCRLA No cited above, I am the honour to intimate that, I have verified the criminal antecedent of accused Niru @ Nirupama Seth D/o Jalandhar of village-Paikmal (Shaktinagar/Colonypada), PS. Paikmal, Dist. Bargarh through available PS records as well as ICJS portals and found nothing any adverse against her except this case."

7. The JCRLA although is pending since 2023 but could not be heard finally due to heavy board. The interim bail was granted by the Coordinate Bench of this Court more than one year back, i.e., on 06.02.2025, however the appeal could not be set for final disposal as yet. Meanwhile, the appellant remained in custody for more than ten years. The co-accused Premananda @ Paramananda Dandsena and Bindu Bag have already been granted bail.

8. Considering the submission made by the learned counsel for the respective parties, the nature of evidence available on record and absence of any chance of early



hearing of the criminal appeal, we are inclined to release the appellant-petitioner on bail.

Let the appellant-petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned trial Court subject to condition that she shall not indulge in any criminal activities in any manner.

Violation of any of the conditions shall entail cancellation of the bail.

Let a copy of the order be communicated by the Registrar (Judicial) to the concerned Jail Superintendent and also to the learned Addl. Sessions Judge, Padampur by e-mail for compliance.

A free copy of this order be handed over to the learned counsel for the State for compliance.

The I.A. is disposed of accordingly.

(Manash Ranjan Pathak)
Judge

(Sibo Sankar Mishra)
Judge