



IN THE HIGH COURT OF ORISSA AT CUTTACK

JCRLA No. 92 of 2023

Niru @ Nirupama Seth

....

Appellant

Mr. Gokulananda Sahu, Advocate

-versus-

State of Odisha

....

Respondent

Mr. Sarat Pradhan, A.S.C.

CORAM:

THE HON'BLE MR. JUSTICE S. K. SAHOO

THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

06.02.2025

Order No.

05.

I.A.No.21 of 2025

This matter is taken up through Hybrid arrangement (video conferencing/physical mode)

This is an application under Section 389 of Cr.P.C. for grant of bail to the appellant/petitioner, namely, Niru @ Nirupama Seth.

Heard Mr. G. Sahu, learned counsel for the appellant and Mr. S. Pradhan, learned counsel for the respondent-State.

The appellant-petitioner, Niru @ Nirupama Seth has been convicted under Sections 302/201 of Indian Penal Code 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 I.P.C., 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 I.P.C. and both sentences shall run concurrently in C.T. Case No.53-A of 2015.

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.

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 petitioner 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 in the record, the petitioner should not be released on bail. He also placed the evidence of the Doctor in 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.

On perusal of the bail order of co-accused, Premananda @ Paramananda Dandsena, who was appellant No.2 in CRLA No. 616 of 2018, we find that observation has been made that the case is based on circumstantial evidence and therefore taking into account the period of detention of the said accused, bail has been



granted. It appears that the matter was not properly placed before the Division Bench.

Considering the submission made by the learned counsel for the respective parties, the available material in the record, particularly the evidence of eye witness P.W.3 while not being inclined to release the petitioner on bail, but taking into account the fact that the petitioner is a lady and she is in judicial custody for 8 years 10 months and 10 days and similarly situated co-accused, namely, Bindu Bag has been directed to be released on interim bail and absence of any chance of early hearing of the appeal in the near future, we are inclined to release the appellant on interim bail for a period of three months from the date of her release in the aforesaid case on furnishing bail bond of Rs.20,000/- (Rupees twenty thousand) with one local solvent surety for the like amount to the satisfaction of the learned trial Court, subject to condition that the appellant shall not indulge in any criminal activities in any manner and the appellant shall surrender in the learned trial Court immediately on expiry of the three months.

The I.A. is accordingly disposed of.

(S. K. Sahoo)
JUDGE

(Savitri Ratho)
JUDGE



06. **JCRLA No.92 of 2023**

List this matter in the week commencing 12.05.2025 along with CRLA No. 616 of 2018.

Learned counsel for the Appellant shall produce the surrender certificate of the appellant on the next date.

Urgent certified copy of the order be supplied to the learned Counsel for the State.

(S. K. Sahoo)
JUDGE

(Savitri Ratho)
JUDGE

Subhalaxmi