



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.12895 of 2024

1) Lipi Nayak

.....

Petitioners

2) Sagar Nayak

Represented By Adv. -

3) Pragnya Paramita Digal

Amitav Tripathy

-versus-

State Of Odisha

.....

Opposite Party

Represented By Adv. -

Mr. M.R. Patra, A.S.C.

CORAM:

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

ORDER

30.04.2025

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for the Petitioners and learned Additional Standing Counsel appearing for the Opposite Party-State.
 3. The present application has been filed under Section 438 of Cr.P.C. by the Petitioners seeking pre-arrest bail in connection with Nayagarh P.S. Case No.416 of 2024 corresponding to G.R. Case No.1094 of 2024, pending in the court of learned S.D.J.M., Nayagarh, for alleged commission of offence punishable under Section 85/296/115(2)/123/109/351(2)/3(5) of the B.N.S.2023, read with Section-4 of the D.P. Act.
 4. It is stated by the learned counsel for the petitioners that Biju Naik who happens to be the husband of the victim had surrendered before the Court in seisin in the meantime and he has been enlarged



on bail. So far the present petitioners are concerned it is stated that they are all in-laws family members of the victim. Learned counsel for the petitioners further submitted that the victim married to the abovenamed Biju Naik and due to a matrimonial discord between the husband and wife, the present petitioners who are in-laws of the victim have been falsely implicated in the present case. It was also contended that initially the notice under Section 41-A of the Cr.P.C. was issued in favour of the petitioners. However, no further steps have been taken on such 41-A notice by the concerned police station. As a result of which the petitioners were apprehending their arrest in connection with the present case. Accordingly, the petitioners have approached this Court by filing the present anticipatory bail application. In course of his argument learned counsel for the petitioner contended that the petitioners are ready and willing to abide by any stringent terms and conditions that will be imposed by this Court in the event the petitioners be released on bail.

5. Learned counsel for the State on the other hand objected to the release of the petitioners on bail on the ground that the allegations made in the F.I.R. are grave and serious in nature. He further contended that in the event the petitioners are released on bail there is every likelihood that they might indulge in similar criminal offences.

6. Considering the nature of allegation, gravity of offence and the surrounding facts of the case, I am not inclined to grant pre-arrest bail to the Petitioners. However, it is directed that in the event the Petitioners surrender before the Court in seisin over the matter within a period of three weeks from today and move an application for bail, the Court in seisin over the matter shall release them on bail in



connection with the aforesaid case on such terms and conditions as it may deem just and proper in the facts and circumstances of the case, but subject to verification of criminal antecedent of the Petitioners. In the event it is found by the learned court below that the Petitioners are having any similar criminal antecedent, then this order shall automatically stand revoked.

7. The release of the petitioners shall also be subject to following conditions:-

- I) shall cooperate with the investigation and appear before the I.O. as and when their presence is required and shall cooperate with the early conclusion of the investigation.
- II) shall not indulge in similar criminal offences while on bail.
- III) shall appear before the learned trial court on each and every date fixed unless prevented by any sufficient cause.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(Aditya Kumar Mohapatra)
Judge

Rubi

Signature Not Verified

Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: OHC
Date: 03-May-2025 10:29:30

