



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 12313 of 2025

Shibani Naik

..... *Petitioner(s)*
Mr. Akshya Sah, Adv.

-versus-

State of Odisha

..... *Opposite Party*
Ms. Sarita Moharana, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

17.12.2025

Order No.

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F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
155	22.08.2023	Nalco Township	C.T. (S) Case No.222 of 2024 pending in the court of learned Ad-hoc Addl. District & Sessions Judge, (FTSC), Angul	Sections 365, 366, 371(4), 376(D)/ 109/ 506/ 34 IPC and Sections 25/27 of Arms Act.



1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.
3. The Petitioner being in custody in Nalco Township P.S. Case No. 155 of 2023 corresponding to C.T. (S) Case No.222 of 2024 pending in the court of learned Ad-hoc Addl. District & Sessions Judge, (FTSC), Angul, registered for the alleged commission of offences under Sections 365,/366,371(4)/ 376(D)/ 109/ 506/ 34 IPC and Section 25/27 of Arms Act, has filed this petition for her release on bail.
4. The brief fact of the case is that on 22.08.2023 at 8.30 P.M. the informant named Sibani Naik lodged a written report before the Nalco Township P.S. alleging that on 21.08.2023 while she along with her friend were coming from Angul Style Bazar towards Balanda in a rented auto rickshaw, four persons arrived at Kurudol Hanuman temple through motorcycle and detained them. They kidnapped her friend Sibani Naik. Out of four persons, she knows two persons named Kali and Tuku, who are working at Kalpataru Hotel, Angul. Based on the said report, Nalco Township P.S. Case No.155 of 2023 was registered. Hence, this case.
5. The learned counsel for the Petitioner submits that in this case ten witnesses have already been examined and the trial



has reached its fag end. He further submits that the victim has already been examined. He further submits that the Petitioner has been falsely implicated in the present case, and there is no credible or incriminating material on record that establishes her involvement in the alleged offences. The petitioner has been in judicial custody since 22.09.2023. In view of the foregoing, it is respectfully prayed that the petitioner may be enlarged on bail.

6. Learned counsel for the Petitioner further submits that the Hon'ble Supreme Court has held that right to have speedy trial is a fundamental right of a citizen. Hence, keeping a person in custody for such a long time without any trial is not justified and violative of his fundamental right. The importance of speedy trial has been emphasized in the case of **Hussainara Khatoon & Ors. vs Home Secretary, State of Bihar**, wherein the Hon'ble Supreme Court has iterated that:

"Speedy trial is, as held by us in our earlier judgment dated 26th February, 1979, an essential ingredient of 'reasonable, fair and just' procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial to the accused. The State cannot be permitted to deny the constitutional right of speedy trial to the accused on the ground that the State has no adequate financial resources to incur the necessary expenditure needed for improving the administrative and judicial apparatus with a view to ensuring speedy trial."



7. He further argues that the period of long incarceration suffered, which entitle the Petitioner for grant of bail. Right to Speedy trial is a fundamental right of an under trial prisoner and this observations have been resonated, time and again, in several judgments including that of **Kadra Pahadiya & Ors. v. State of Bihar**¹ wherein it has been held that the obligation of the State or the complainant, as the case may be, to proceed with the case with reasonable promptitude. Particularly, in a country like ours, where the large majority of the accused come from poorer and weaker sections of the society and are not versed with laws and after face the dearth of competent legal advice. Of course, in a given case, if an accused demands speedy trial and yet he is not given one, may be a relevant factor in his favour. But an accused cannot be disentitled from complaining of infringement of his right to speedy trial on the ground that he did not ask for or insist upon a speedy trial.
8. The Supreme Court has also held in **Mohd. Muslim @ Hussain v. State (NCT of Delhi)**² that incarceration has further deleterious effects where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in

¹ (1981) 3SCC 671

² SLP (Crl.) No.915 of 2023



several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials - especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.

9. Learned counsel for the State vehemently opposes the prayer for bail stating that the victim during her examination before the court below as P.W.10 has categorically implicated the present Petitioner to force her for prostitution and she was bringing ten to twelve persons regularly who were committing sexual intercourse with her. Whenever she was suffering from pain, the Petitioner was giving her white colour tablets. He further submits that the victim has been threatened by the Petitioner.
10. Without delving into the merits of the case, and considering the overall facts and circumstances, it is directed that the petitioner be released on bail in the aforesaid case, subject to stringent terms and conditions as may be deemed just and proper by the learned court in *seisin* over the matter, along with the following additional conditions:-



- i. the Petitioner shall appear before the local Police Station on every Monday between 10 A.M. to 1.00 P.M.;
- ii. the petitioner shall not indulge herself in any criminal offence while on bail; and
- iii. the petitioner shall not tamper the evidence of the prosecution evidence in any manner.
- iv. the Petitioner shall not intimidate the victim in any manner. If such intimidation is done by the Petitioner, the Police authority shall apply for cancellation of bail.

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

11. The BLAPL is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge