

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3 of 2023

Archana Nag

....

Petitioner

Mr. P.P. Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

11.04.2023

Order No.

04. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in C.T. Case No.5972 of 2022 pending on the file of learned J.M.F.C. III, Bhubaneswar, arising out of Nayapalli P.S Case No.646 of 2022 for commission of the alleged offence under Sections 384/385/506/120-B/388/389/500 IPC and Section 67/67-E/67-A of the Information Technology Act.
3. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned 2nd Addl. Sessions Judge, Bhubaneswar by order dated 14.12.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 06.10.2022 on the allegation of, inter alia, demanding ransom from the Informant and threatening to publicize photograph and video of his intimate moments with the co-accused

on the social media on non-payment of such ransom. Keeping in view the privacy of the co-accused, this Court refrains from mentioning her name.

5. It is further submitted that in the charge sheet filed on 23.12.2022, the said co-accused has been cited as a witness (C.W.2).

6. Learned counsel for the Petitioner also submitted that there is no material on record to substantiate the allegation under the I.T Act. Hence, it is stated that further continuance of the Petitioner in custody is not warranted and in fact punitive.

7. Learned counsel for the State opposes the prayer and submits that since investigation has been kept open under Section 173(8) Cr.P.C., the Petitioner ought not to be released on bail at this point which would derail the ongoing investigation.

8. It is apt to note that though charge sheet has been filed on 23.12.2022, nothing has been placed on record regarding further investigation.

9. Taking into account the nature of allegation, period of custody, punishment prescribed, keeping in view the guidelines of the Apex Court in the case of **Satender Kumar Antil vs. Central Bureau of Investigation & another**, reported in **2021 (10) SCC 773** and welfare of six year old child of the Petitioner, this Court directs her release on bail. Terms to be fixed by the learned Court in seisin.

10. Additionally, it is directed that the Petitioner shall cooperate with the ongoing investigation, shall not leave the State

of Odisha without express permission of the learned Court in seisin and shall not try to threaten or intimidate any of the prosecution witnesses. Leave is granted to the prosecution/informant to seek variance of this order if there is any threat perception.

11. Accordingly, the BLAPL stands disposed of.
12. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge

PKS

