



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.11804 of 2024

Chandrika Nayak @ Jena

.....

Petitioner

Represented By Adv. -
Suryakanta Dash

-versus-

State Of Odisha

.....

Opposite Parties

Represented By Adv. –
Mr.M.R.Mohanty, AGA

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

Order No.

ORDER
03.01.2025

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
 2. This application has been filed under section 482 of BNSS, 2023 seeking anticipatory bail in connection with a case likely to be registered at Bhandaripokhari P.S. in the district of Bhadrak.
 3. Learned counsel for the Petitioner contended that the Petitioner is a widowed lady, aged about 49 years apprehending her arrest and harassment in the hands of Police Officers of Bhandaripokhari P.S in connection with a land dispute. He further contended that although no formal F.I.R. has been registered, however the Petitioner is being subjected to police harassment. Learned counsel for the Petitioner further contended that as per the allegation, the Petitioner has taken a sum of Rs.40,000/- from the informant



for the education of her children, however she is ready and willing to return the said amount to the informant.

4. Learned Additional Government Advocate on instruction vide letter dated 31.10.2024 from the S.D.P.O., Dhamnagar submitted that although no formal F.I.R. has been registered, the local Police is conducting preliminary investigation on the Station Diary Entry.

5. In reply to the submissions made by the learned State Counsel, the learned counsel for the Petitioner further alleged that a Police Officer is interested to purchase a land of which the Petitioner is a joint owner. Moreover, in the name of inquiry, she is being summoned to the local Police Station and is being subjected to mental torture and harassment. She is being compelled to execute the sale deed in favour of the abovenamed Police Officer.

6. A copy of the instruction dated 31.10.2024 along with a copy of the complaint were filed in Court today. The same are taken on record. Upon going through the complaint, this Court observed that the dispute is basically civil in nature and the complainant has requested the S.D.P.O., Dhamnagar, Bhadrak to settle the dispute through a compromise.

7. On a careful examination of the background facts, this Court is of the view that the alleged conduct of I.I.C. of the concerned Police Station is not in accordance with law, inasmuch as, although the complaint was lodged since long, however the same has not been registered as of now. Moreover, keeping the aforesaid complaint pending, the local Police has been conducting itself in a manner as if there are



law unto themselves. The factual background further reveals that the local Police is harassing the Petitioner, which is opposed to the very concept of Rule of law. It is observed that such type of practice has become rampant in most of the Police Stations in the State. It is high time that the higher ranked police officials should look into such type of allegations and ensure that their house is kept in order otherwise the same would lead to anarchy and lawlessness. In the aforesaid factual backdrop, this Court deems it proper to dispose of the bail application by directing the I.O. to release the Petitioner on anticipatory bail in the event of her arrest in connection with the aforesaid allegation/case in view of the law laid down in the case of ***Satender Kumar Antil vs. Central Bureau of Investigation and anr.*** reported in ***2022 LiveLaw (SC) 577.***

8. With the aforesaid observation/direction the ABLAPL stands disposed of.

9. Further, considering the gravity and seriousness of the allegation and keeping in view the fact that some of the Police Officers are involved, the Registry is directed to forward a copy of this order to the Director General of Police, Odisha as well as the Home Secretary, Government of Odisha to examine the issue with all seriousness and take necessary consequential action.

(Aditya Kumar Mohapatra)
Judge



Signature Not Verified

Digitally Signed
Signed by: RAMESH KUMAR SINGH
Reason: Authentication
Location: High Court of Orissa
Date: 06-Jan-2025 15:40:35

