

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.969 of 2022

Muralidhar Mallik and others ***Petitioners***
Mr. Deepak Kumar Sahoo, Advocate
-versus-
State of Odisha ***Opp. Party***
Mr. P.K. Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
01.08.2022

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 for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
 4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.99 of 2021, arising out of Kenerapara Sadar P.S. Case No.132 of 2021 pending in the court of learned Additional District and Sessions Judge-cum-Special Judge, Kendrapara initially for commission of offence punishable under Section 363, I.P.C. and subsequently turned to under Sections 376/294/506/34, I.P.C. read with Section 6 of the POCSO Act.
 5. It is submitted by learned counsel for the petitioners that the principal accused, namely, Abhiram Mallik, who had married the daughter of the informant. It is further submitted by learned counsel

for the petitioners that the said Abhiram Mallik and the victim have already married each other in the meantime and they are staying together as husband and wife. It is also submitted by learned counsel for the petitioners that the principal accused has already been arrested and released on bail by the learned court below in the meantime and the petitioners are the family members of the principal accused.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the principal accused, namely, Abhiram Mallik has already been released on bail by the learned court below or not. In the event it is found that the principal accused Abhiram Mallik has not been released on bail by the learned court below, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge