

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 976 of 2022

Simanchal Nayak & Anr.	...	Petitioners
		Mr. S.S. Ray (2), Advocate
	- Versus -	
State of Odisha	...	Opposite Party
		Mr. P. Tripathy, Addl. Standing Counsel

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
08.02.2022**

Order No.
1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 23.12.2020 in connection with Berhampur Sadar P.S. Case No.357 of 2020 corresponding to G.R. Case No.110 of 2020 pending in the Court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Berhampur for the alleged commission of offence under Sections 366/376(2)(n)/302 of IPC and Section 6 of POCSO Act.
4. The FIR allegation is that one Sibasankar Nayak, who is the son of the present petitioners, kidnapped a minor girl and kept her in his house, where they lived as husband and wife. On 23.11.2020, the girl's father, who is the informant, received information that his daughter had committed suicide. However, it was alleged that the main accused, namely Sibasankar Naik had killed her.

5. Learned counsel for the petitioner has referred to the statements of some neighbors recorded under Section 161 Cr.P.C. to submit that there is absolutely no allegation against the present petitioners except for the fact that the victim died in their house. It is further submitted that there are materials to show that the principal accused had frequent quarrels with the victim but not a whisper of allegation is there against the present petitioners.
6. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that the materials on record clearly reveal that the petitioners had harbored the principal accused and had also facilitated the commission of the crime.
7. Having regard to rival submission as above, materials on record, period of detention already undergone, and the fact that except for the fact that the petitioners happen to be the parents of the principal accused against whom specific allegations have been leveled, there is no other allegation against them, I am inclined to allow the prayer for bail. Let the petitioners be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that they shall personally appear before the trial Court on each date of posting of the case without fail.
8. BLAPL is accordingly disposed of.
9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana