

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3189 of 2022

1. Gitanjali Digal

2. Susanta Digal

.... Petitioners

Mr.P.C. Sejpada, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
05.05.2022**

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Phiringia P.S. Case No.106 of 2021 corresponding to C.T. Case No.57 of 2021 pending before the learned Addl. Sessions Judge (POCSO) Judge, Phulbani, Kandhamal for commission of alleged offence under sections 376(2)(n)(3)/313/323/506 of the Indian Penal Code.

Learned counsel for the petitioners submitted that the main allegation is against Samel Digal @ Saswat Digal and he is in judicial custody and there is no specific allegation against the petitioners and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State on the other hand produced the 164 Cr.P.C. statement of the victim from which it appears that specific overt has been attributed against petitioner no.1 Gitanjali Digal.

Considering the nature and gravity of the accusation, while not inclining to grant anticipatory bail to petitioner no.1 Gitanjali Digal, it is observed that in the event petitioner no.1 surrenders in the learned Court below and moves for bail, the learned Courts below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Courts concerned for disposal of the bail application.

So far as petitioner no. 2 Susanta Digal is concerned, taking into account the nature of accusation and absence of any specific overt act against him, I am inclined to release petitioner no.2 on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner nos.2 in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each for

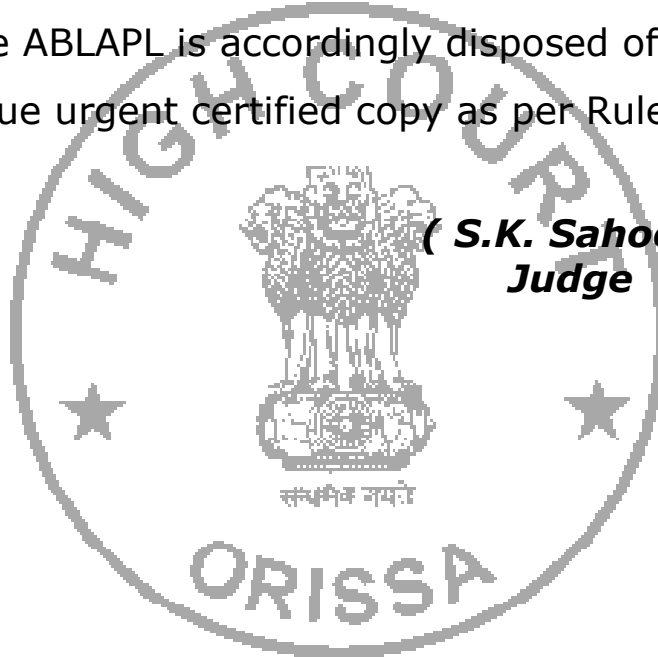
the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the Courts or to the Investigating Officer.

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

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



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