

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3617 of 2022

Nagesha Goachhayat & others ***Petitioners***
Mr. Sunil Kumar Panda, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr.S.Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.09.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioners and the learned Additional Standing Counsel. Perused the records.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail.
 4. It is submitted by the learned counsel for the Petitioners that the investigation has already been concluded and charge sheet has been filed. He also submits that charge sheet has been filed under sections 341, 294, 323, 354-A, 506, 509/34 of the Indian Penal Code & Section 12 of POCSO Act. out of which the offence under section 506 of the Indian Penal Code is not a bailable offence and under the offence under section 12 of POCSO Act the maximum punishment prescribed is 3 years. It is further submitted by the learned counsel

for the Petitioners that there is boundary dispute between the husband of the informant and the Petitioners as a result of which F.I.R. has been lodged.

5. Considering the nature of allegations made, gravity of the offence and the facts 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 Additional Sessions Judge-cum-Special Judge, Dhenkanal in C.T.(Spl)(P) Case No.13 of 2022 arising out of Kantabania P.S.Case No.24 of 2022 within a period of three weeks from today and move for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate with further conditions that the Petitioners while on bail shall not indulge in similar nature of offence and shall not threaten, influence, terrorise or harass the informant and his family members. The Petitioners while on bail cooperate with the investigation and appear before the I.O. as and when required. The Petitioners shall also appear before the trial court on each and every date fixed. Violation of conditions shall entail cancellation of bail.

6. Accordingly, the ABLAPL is disposed of.

7. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge