

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.4994 OF 2020

***Rakesh Malik @ Rakesh Kumar
Mallik***

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

Opposite Party
Mr. G.N. Rout, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

14.03.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. Learned Counsel for the Petitioner submits that here in the case, the principal accused is Paresh Kumar Mallik against whom the allegation as to commission of principal offence under Section-363 of the IPC run and this Petitioner being the brother has been unnecessarily arraigned in the case being falsely assigned with the role having no nexus with the commission of the said offence. It is further submitted that the attempt to implicate this Petitioner in the above manner is only to harass him. In view of all the above and in the absence of any such impediment; he urges for grant of anticipatory bail to the Petitioner.
3. Learned counsel for the State does not dispute the position that here as against accused- Paresh, the allegations in respect of commission of the principal offences run. He, however, opposes the move in view of the role said to have been played by the Petitioner.

4. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding circumstances of the case as also concerning the Petitioner and in the absence of any other impediment, it is directed that in the event the Petitioner surrenders before the court in seisin of the case in connection with Baidyanathpur P.S. Case No.259 of 2019 corresponding to G.R. Case No.16 of 2020 on the file of learned ADJ-cum-Special Judge (POCSO Act)-cum-2nd Addl. Sessions Judge, Berhampur within two weeks hence and moves for his release on bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the said court.

5. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

