

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5181 of 2022

Manikalal Bera

.... ***Petitioner***
Mr. B.S. Dasparida, Advocate

-versus-

State of Odisha & Another

.... ***Opposite Parties***
Mr.Samaresh Jena, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
22.11.2022

Order No.

- 02.
1. This matter is taken up through hybrid arrangement (virtual/physical mode).
 2. Learned counsel for the Petitioner submits that this Petitioner being the elder father of the accused against whom the allegation with regard to commission of principal offences run has been unnecessarily arraigned in the case even without being assigned with any role in the entire incident but merely for the reason that accused and the victim had stayed together in a room of the house of this Petitioner that to when it is not stated that it was even with the knowledge of this Petitioner. He further submits that this Petitioner being under interim protection has been cooperating with the investigation and, therefore, when nothing is stated by the victim that this Petitioner had played any such role, his likely arrest and detention in custody at this distance of time would serve no useful purpose. In view of all these above and in the absence of any

such impediment; he urges for grant of anticipatory bail to this Petitioner.

3. Learned counsel for the State although does not dispute that the nephew of this Petitioner is the principal accused in this case against whom the allegations with regard to the commission of principal offences run yet opposes the move in view of the material available on record that the principal accused and the victim were staying in the house of this Petitioner and it was to the knowledge of the Petitioner that the victim was a minor of about fifteen years old then.

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; it is directed that in the event the Petitioner surrenders before the court in seisin of the case in connection with Dhamara P.S. Case No.121 of 2021 corresponding to Special (POCSO) Case No.6 of 2022 on the file of learned A.D.J.-cum-Special Judge, Bhadrak within three weeks hence and move 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 in seisin of the case with further condition that he will not threaten or terrorize the prosecution witnesses including the victim in any manner.

5. The ABLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

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