

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6256 of 2022

Kartika Chandra Sundaray Petitioner

Mr. Yasobanta Das,
Senior Advocate

-versus-

State of Odisha Opp. Party

Mr. Manoranjan Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

28.06.2022

Order No.

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

Mr. Yasobanta Das, learned Senior Advocate for the petitioner submitted that in the cause title, the name of the father of the petitioner has been mentioned as 'late Prahallad Sundaray' in fact, the name of the father of the petitioner is 'Sudarshan Sundaray' and he may be permitted to correct the same.

Permission is granted.

Heard Mr. Yasobanta Das, learned Senior Advocate appearing for the petitioner and Mr. Manoranjan Mishra, learned counsel for the State of Odisha.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with T.R. Case No.198 of 2022 arising out of Bharatpur

P.S. Case No.198 of 2022 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, POCSO Act, Bhubaneswar for alleged commission of offences under section 376 of the Indian Penal Code read with section 4 of the POCSO Act.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the case was instituted on the F.I.R. submitted by one Rubina Routa, who is the mother of the victim and accordingly, a case under section 376 of the Indian Penal Code and section 4 of the POCSO Act was registered. He further submitted that during the course of investigation, the statement of the victim was recorded by the learned J.M.F.C., Bhubaneswar under section 164 Cr.P.C. and the victim has given a clean chit to the petitioner and as per the statement of the victim in her 164 Cr.P.C. statement, the ingredients of the offences under section 376 of the Indian Penal Code and section 4 of the POCSO Act are not attracted against the petitioner and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State has produced the case diary and fairly submitted that there is nothing against the petitioner in the 164 Cr.P.C. statement of the victim.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and since the victim has given a clean chit to the petitioner in her 164 Cr.P.C.

statement, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner 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 such facts to the Court or to the Investigating Officer.

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

The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

RKM