

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.7337 OF 2020

Manoj Kumar Mallick & Another ***Petitioners***
Mr.M. Das, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. G.N. Rout, ASC.

CORAM:
MR. JUSTICE D.DASH

ORDER
04.04.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual / physical) mode.
2. Learned counsel for the Petitioners submits that here in the case, these Petitioners being the father and brother of accused Santanu Mallick against whom the allegations as to commission of principal offence under Section-376(2)(n) of the IPC run have 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 these Petitioners in the above manner is only to harass the whole family. In view of all the above and in the absence of any such impediment; he urges for grant of bail to the Petitioners.
3. Learned Counsels for the State as well as the Informant while not disputing the position that here as against accused-

Santanu, the allegations in respect of commission of the principal offence run. He, however, opposes the move of the Petitioners in view of their role.

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 Petitioners; it is directed that in the event the Petitioners surrender before the Court in seisin of the case in connection with Kissannagar P.S. Case No.104 of 2019 corresponding to Special G.R. Case No.12 of 2020 pending on the file of learned 3rd Addl. District Judge-cum-P.O.C.C., Cuttack, within three weeks hence and move for their release on bail, they 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 they 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.**