

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6755 of 2022

1. Johan Chhinchani

2. Smt. Subhakeshi

Chhinchani

.... Petitioners

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
13.07.2022**

Order No.

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

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Rayagada P.S. Case No.29 of 2021 corresponding to G.R. Case No.10 of 2021 pending in the Court of learned Special Judge -cum- Additional Sessions Judge, Paralakhemundi for alleged commission of offences under sections 376(2)(n)/ 506/34 of the Indian Penal Code read with section 6 of the POCSO Act.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the petitioners are the parents of the main accused and there is no material available on record against them so as to attract the ingredients of the offence under section 376(2)(n) of the Indian Penal Code and section 6 of the POCSO Act and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State has produced the case diary and placed the 164 Cr.P.C. statement of the victim and he submitted that the victim has not alleged anything against the petitioners.

Considering the submissions made by the learned counsel for the respective parties, since the victim has given a clean chit to the petitioners, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves available for interrogation by the I.O. as and when required and they 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