

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7011 of 2022

Saroj Kumar Nayak

....

Petitioner

Mr. Dibya Jyoti Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikant Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
08.08.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 354/323/506, I.P.C. read with Section 8 of the POCSO Act.
4. Learned counsel for the Petitioner submits that there exists rivalry between the two families, as a result of which case and counter case have been filed against each group. On examination of the F.I.R. lodged from both sides, it appears that the allegations are identical in nature.
5. Considering the seriousness of the allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the

event the Petitioner surrenders before the learned Special Judge (POCSO), Balasore in Spl. Case No.123 of 2022 corresponding to Balasore Sadar P.S. Case No.161 of 2022 within a period of three weeks from today, the Petitioner shall be released on bail on such terms and conditions as the learned Special Judge deem just and proper in the facts and circumstances of the case, but subject to the further conditions that the Petitioner shall not threaten, terrorise, influence, ill-treat or harass the Informant, her family members or the prosecution witnesses in any manner whatsoever.

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

6. The ABLAPL is disposed of accordingly.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge