

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7114 of 2022

Nityananda Sahoo

....

Petitioner

Mr. Arijeet Mishra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Mishra, A.S.C.

*Mr. G. Mohanty, Advocate for the
Informant*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.09.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
 4. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.406 of 2022, arising out of Khantapada P.S. Case No.129 of 2022 pending in the court of learned S.D.J.M., Balasore for commission of offence punishable under Sections 363/294/506/34, I.P.C.
 5. Perused the record vide order dated 03.08.2022, earlier this Court directed the petitioner for production of the victim before the S.D.J.M., Balasore for recording her statement under Section 164, Cr.P.C.
 6. It is submitted by learned counsel for the petitioner that as per

direction of this Court, the petitioner has produced the victim before the learned court below for recording her statement under Section 164, Cr.P.C. Further, it is submitted by learned counsel for the petitioner that the present petitioner is the elder of the principal accused, namely, Gauranga Sahu @ Gouranga Sahoo and that he has not involved in the present case.

7. Learned counsel for the State submits that the statement of the victim recorded under Section 164, Cr.P.C. before the Magistrate on production of the victim. As per the statement of the victim, further learned counsel for the State submits that the victim left her parental house out of her own volition with the petitioner, namely, Gauranga Sahu @ Gouranga Sahoo and the victim has categorically stated that neither she was kidnapped nor anybody has forced her to go away with the petitioner.

8. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not default in attendance of the court during trial on each date of posting; and
- III. while on bail, he shall not threaten, harass and

terrorize the informant and her /his family members in any manner whatsoever;

Violation of any of the terms and conditions shall entail cancellation of bail.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

