

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7412 of 2022

Sagar Digal & Others

....

Petitioners

Ms. Baijayanti Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

01.08.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 376/506/511/34, I.P.C.
4. It is submitted by learned counsel for the Petitioners that, the present Petitioner No.1 is related to the victim as uncle and niece. It is further stated that there is existing rivalry between the two brothers, i.e. the present Petitioner no.1 and the father of the victim. Learned counsel for the Petitioners further submits that, so far as the allegation of offence under Section 376, I.P.C. in the present case is concerned, one Chhotu is the principal accused. So far as the present Petitioners are concerned, allegation against them is that the present

Petitioners helped the principal accused to escape from the spot of occurrence.

5. Considering such submission, nature of allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender before the learned S.D.J.M., Balliguda in C.T. Case No.196 of 2022 corresponding to Balliguda P.S. Case No.124 of 2022 within a period of three weeks from today, the Petitioners shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge