

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7774 of 2022

Aparna Baidya and another

.... ***Petitioners***
Mr. S. Mishra, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.K. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners seeking pre-arrest bail in connection with T.R. No.24 of 2022, arising out of Malkangiri P.S. Case No.267 of 2022 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Malkangiri for commission of offence punishable under Sections 498-A/506/376(20(n)/34, I.P.C. read with Section 6 POCSO Act, 2012 Amendment, 2019.
5. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case.
6. It is appears from the rejection order dated 08.06.2022 passed by the learned Additional Sessions Judge-cum-Special Judge, Malkangiri in T.R. No.24 of 2022, while rejecting the bail application of the

petitioners mentioning therein that the offence under Section 6 of the POCSO Act may not be made out as because the age of the victim is 20 years. Further, the present petitioners are mother-in-law and sisters-in-law of the informant. Therefore, allegation made under Section 376(2)(n), I.P.C. is also not made out against them and at best the offence under Sections 498-A/506, I.P.C. can be made out against the petitioners.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the petitioners shall not harass, torture, threaten or terrorize the informant and her family members in any manner whatsoever. In the event it is found that violation of any condition, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

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

Jagabandhu

(A.K. Mohapatra)
Judge