

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7830 of 2022

Mina Bibi @ Sayera Bano & Others* *Petitioners
Ms. Deepak Kumar Sahoo, Advocate

-versus-

State of Odisha* *Opposite Party
Mr. Sitikant Mishra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
25.08.2022**

Order No.

03. 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 342/366/376/506/34, I.P.C. and Section 6 of POCSO Act.
4. It is stated by learned counsel for the Petitioners that the main allegation of commission of alleged crime is against the principal accused namely Sk. Kalim, who has already been arrested and is in judicial custody now. He further submits that, so far as the present Petitioners are concerned, they are only family members of the principal accused and the allegation against the present Petitioners are omnibus in nature.

5. Learned counsel for the State on the other hand opposes the bail application of the Petitioners on the ground that the alleged crime is heinous in nature.

6. Considering such submission, seriousness of the 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 Petitioner Nos.1, 2 & 4 – namely Mina Bibi @ Sayera Bano, Sk Habibulla, and Hairun Bibi respectively surrender and move for bail before the learned 4th Addl. District & Sessions Judge-cum-Special Judge, POCSO, Bhubaneswar in T.R. No.723 of 2018 corresponding to Banpur P.S. Case No.62 of 2018 within a period of three weeks from today, they 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.

While imposing conditions for bail, learned Special Judge shall also impose the following additional conditions –

- (i) The Petitioners shall not threaten, terrorise, ill-treat or harass the Informant and her family members in any manner whatsoever;
- (ii) They shall appear before the I.O. and shall cooperate with the investigation as and when required.
- (iii) They shall also appear before the learned trial court on each date of trial, without fail.

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

7. So far as Petitioner Nos.3, 5 & 6 – namely Sk Tiki @ Sk. Nasim @ Namin, Sk Tofani @ Sk Samin Jafar @ Sk Samim and Sk Salim @ Sk. Salim Jafar are concerned, they are directed to surrender and move for bail before the court in seisin over the matter within three weeks from today, which shall be considered and disposed of on the same day on merit in accordance with law. Case Diary be made available to the court in seisin over the matter in order to facilitate in disposing of the bail application of the petitioners on the same day itself.

8. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge

