

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8033 of 2022

Gobinda Hantal and another

.... ***Petitioners***
Mr. A. Mishra, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. Sitikanta Mishra, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
25.07.2022

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 are seeking pre-arrest bail in connection G.R. Case No.994 of 2016, arising out of Machkund P.S. Case No.48 of 2016 pending in the court of learned Addl. Sessions Judge cum Special Judge, Koraput in T.R. Case No. 02 of 2022 for commission of offences punishable under Sections 376(2)(i)(n)/307/506/313/34 of I.P.C. read with Section 6 of the POCSO Act.
5. Referring to the charge sheet which has been annexed in the bail application. Learned counsel for the petitioner submits that so far as the petitioner No.1 is concerned, charge sheet has been filed under Section 498-A/307/506/313/34 of I.P.C. Further referring to the injury report,

learned counsel for the petitioner submits that the injuries are simple in nature. It is further submitted that the principal accused, husband, who is the son of the present petitioner was arrested and subsequently released on bail.

6. Considering the nature of allegations and gravity of offence and the fact of the case, 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 court in seisin over the matter 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 fit and proper.

7. Accordingly, the ABLAPL is disposed of.

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

