

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8090 of 2022

***Babaji @ Saubhagya Kumar
Behera & another***

....

Petitioners

Mr. Achyutananda Pattnaik, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. Shashank Patra, A.S.C.

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

**ORDER
26.07.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned 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 offences punishable under Sections 341/294/323/342/506/448/354/34, I.P.C. read with Section 12 of the POCSO Act.
4. Learned counsel for the Petitioners submits that investigation in the case has already been completed and charge-sheet has been filed. In the charge-sheet, offences under Sections 376(3), 376(2)(n), I.P.C. and Section 3(2)(v), 3(2)(va), 3(1)(r)(s) have not been added. He further submits that the present Petitioners are local persons, who have no nexus with the alleged crime.

5. Considering the facts and submissions, nature of allegation and gravity of the offence, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned District Judge-cum-Special Judge, Nayagarh in Spl. G.R. Case No.37 of 2022 corresponding to Ranpur P.S. Case No.77 of 2022 within a period of three weeks from today, all the Petitioners shall be released on bail on such terms and conditions as the learned Special Judge may deem just and proper in the facts and circumstances of the case. While imposing conditions, learned court in seisin over the matter shall also add the conditions whereby the Petitioners shall not influence, terrorize, threaten, or harass the victim or her family members in any manner; they shall cooperate with the investigation in all respect and they shall appear before the learned trial court on each and every date of trial without fail. Violation of any of the above conditions shall entail cancellation of the bail.

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge