

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8235 of 2022

S. Kalyani and others

Petitioners
Mr. T.K. Mishra, Advocate

-versus-

State of Odisha and another

Opp. Parties
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.07.2022

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 with T.R. Case No.17 of 2022, arising out of Rayagada P.S. Case No.102 of 2022 pending in the court of learned Additional District and Sessions Judge-cum-P.O. Special Court, POCSO Act, Rayagada for commission of offence punishable under Sections 376(2)(n)/ 376(3)/109/34, I.P.C. read with Section 6 of the POCSO Act.
5. It is submitted learned counsel for the petitioners that the petitioners are the parents of the principal accused, namely, S. Santosh Kumar. It is further submitted that the principal accused and the victim had love relationship each other and the present

petitioners have been falsely implicated in the present case. However, the mother of the victim lodged the F.I.R. making allegation against the principal accused.

6. However, on perusal of the F.I.R. it appears that there is no serious allegation against the present petitioners. Only it is stated that the parents are responsible for the aforesaid relation between the principal accused and the victim.

7. 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 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.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge