

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8351 of 2022

***Dhiren Mallick @ Mallik and
others***

....

Petitioners

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.09.2022

Order No.

05.

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 G.R. Case No.302 of 2022, arising out of Pattamundai P.S. Case No.302 of 2022 pending in the court of learned J.M.F.C., Pattamundai for commission of offences punishable under Section 363, I.P.C.
5. It is submitted by learned counsel for the petitioners that the petitioners have not been named in the F.I.R. He further submits that the petitioners are the family members of the principal accused one Rajanikanta Mallick, who had taken away the daughter of the informant and that the petitioners have been falsely implicated in the present case.

6. On verification of the case record, learned counsel for the State submits that the principal accused and the victim girl married each other in the Tarini Temple by the temple priest. It is also submitted that there is no direct allegation against the present petitioners.

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 and move an application 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 with further conditions that:-

- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. they shall not default in attendance of the court during trial on each date of posting.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge