

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8534 of 2022

Mangala @ Muksed Khan

.... ***Petitioner***
Mr .J. Panda, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.213 of 2004(A), arising out of Bhograi P.S. Case No.80 of 2004 pending in the court of learned Gram Nyayalaya-cum-J.M.F.C., Bhograi for commission of offence punishable under Sections 341/363/366/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that the petitioner had no role to play in the alleged crime. Further relying on the deposition of the victim recorded in the split up case in S.T. Case No.43/77 of 2005, the victim has categorically stated that she had gone to her uncle's (Mausa) house without telling anything to anybody, while she was prosecuting her study in Class-VII as her

result was not good in the examination and she was not also examined by the police in this case.

6. 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 petitioner surrenders before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further condition that petitioner shall not default in attendance of the court during trial on each date of posting.

7. It is open for the learned court below, if the petitioner fails to appear in court, then the learned court below shall proceed against the petitioner in accordance with law.

8. Accordingly, the ABLAPL is disposed of.

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

Jagabandhu

(*A.K. Mohapatra*)
Judge