

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9278 of 2021

ABLAPL No.8376 of 2021

&

ABLAPL No.8645 of 2021

ABLAPL No.9278 of 2021

Budhiram Sethi & Another ***Petitioners***
Mr. Kishore Kumar Mishra, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr.S.K. Nayak, AGA
Mr. B.B. Swain, Advocate (Informant)

ABLAPL No.8376 of 2021

Akshya Sethi & Another ***Petitioners***
Mr. Kishore Kumar Mishra, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr.S.K. Nayak, AGA

ABLAPL No.8645 of 2021

Ajaya Sethi & Another ***Petitioners***
Mr. Kishore Kumar Mishra, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr.S.K. Nayak, AGA

CORAM:
MR. JUSTICE D.DASH

ORDER
31.10.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).

2. Since both the bail applications arise out of Simulia P.S. Case No.137 of 2021 corresponding to Special Case No.152 of 2021, are heard together for their disposal by this common order.

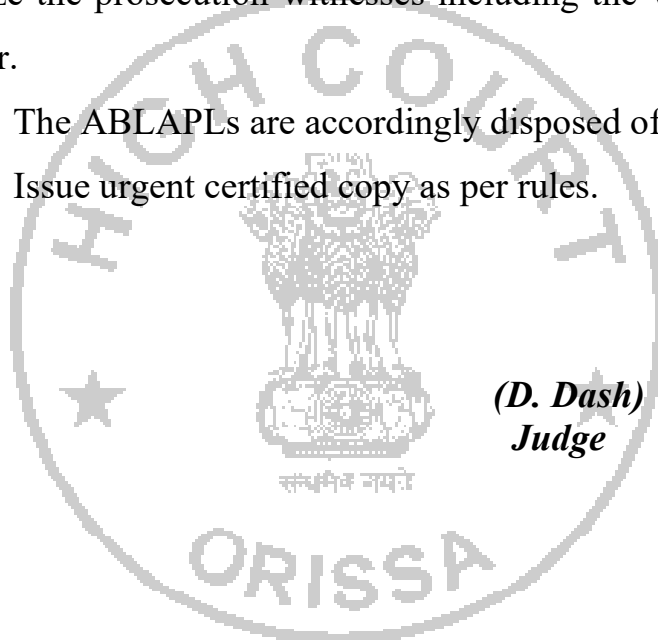
3. The Petitioners having been implicated in Simulia P.S. Case No.137 of 2021 corresponding to Special Case No.152 of 2021 on the file of learned Additional District Judge, Balasore for alleged commission of offence under sections 363/376(2)(n)/294/323/506/34, I.P.C. and section 6 of the POCSO Act, have filed this application under section 438 of the Cr.P.C. for their release on bail in the event of their arrest in the said case.

4. Learned counsel for the Petitioners submits that here the allegation as to the commission of offence under sections 376(2)(n) and section 6 of the POCSO Act run against accused Dipak Kumar Sethi and these Petitioners who are the members of the family of said accused Dipak have been unnecessarily arraigned in the case being falsely attributed with some role so as to be harassed. He further submits that these Petitioners having remained under interim protection from 04.08.2021 have been cooperating with the investigation. In view of all these above, he submits that likely arrest and detention of these Petitioners would serve no useful purpose when they have absolutely nothing to do with the allegations constituting the commission of the principal offence.

5. Learned counsel for the State although while not disputing that here in the case the principal accused is Dipak, however, opposes the move in view of the role attributed to these Petitioners.

6. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding circumstances of the case as also concerning the Petitioners; it is directed that in the event the Petitioners surrender before the court in seisin of the case in connection the afore-mentioned case within three weeks hence and move for their release on bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the said court in seisin of the case with further condition that they will not threaten or terrorize the prosecution witnesses including the victim in any manner.

7. The ABLAPLs are accordingly disposed of.
Issue urgent certified copy as per rules.



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