

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8700 of 2022

Premananda Kumbhar & another ***Petitioners***
Mr. L.N.Patel, Advocate

-versus-

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail. Perused the F.I.R. and 161 Cr.P.C. statement of the victim.
4. In 161 Cr.P.C. statement, the victim has not alleged any ill-treatment by the family members of the principal accused Sushil Kumbhar. She has also stated that she had no physical relationship with the principal accused Sushil Kumbhar while she was staying with him.
5. It is submitted by the learned counsel for the Petitioners that the victim has been recovered. The Petitioners are the brothers of principal accused and they have no role in the present crime.

6. Considering the nature of allegations made, gravity of the 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 Additional Sessions Judge-cum-Judge, Special Court under POCSO Act, Sambalpur in Spl. G.R.Case No.08 of 2022 arising out of Hirakud P.S.Case No.204 of 2015 within a period of three weeks from today and move for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate with further conditions that the Petitioners shall cooperate with the investigation and shall appear before the I.O. as and when required for the purpose of investigation and shall appear before the trial Court on each and every date till conclusion of trial.

7. The ABLAPL is accordingly disposed of.

8. Issue urgent certified copy of the order as per Rules.

