

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8960 of 2022

Prabhat Senapati & Others

....

Petitioners

Mr. Jayadeba Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikant Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

03.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 376(2)(n)/294/506/34, I.P.C.
4. Learned counsel for the Petitioners submits that, the victim informant had kept consented sexual relationship with the principal accused Naresh Senapati on the assurance of marriage. The present Petitioner Nos.1 & 3 are parents and Petitioner No.2 is the brother of said Naresh Senapati. So far as the present Petitioners are concerned, the only allegation in the F.I.R. is that they abused the father and relatives of the victim-informant in filthy language when they had approached the family members of said Naresh Senapati for marriage. In such view of the matter, learned counsel for the

Petitioners submits that only offence under Section 506, I.P.C. can at best be made out against the present Petitioners. But, so far as offence under Section 376, I.P.C. is concerned, it is entirely directed against the principal accused Naresh Senapati.

5. Considering the nature of allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender before the learned J.M.F.C., Ranpur in G.R. Case No.265 of 2022 corresponding to Ranpur P.S. Case No.177 of 2022 within a period of three weeks from today, the Petitioners shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

While imposing conditions for bail, learned Magistrate shall also add the condition whereby the Petitioner shall not threaten, terrorise or harass the victim-informant or her family members in any manner whatsoever and also they shall cooperate in the investigation by appearing before the I.O. as and when required.

Violation of any of the conditions shall entail cancellation of bail of the Petitioners, and the learned court in seisin over the matter may take any coercive action against the Petitioners in accordance with law.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge