

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9073 of 2022

Ajit Senapati and others

....

Petitioners

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.K. Rout, A.G.A.

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 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 Special G.R. Case No.65 of 2022, arising out of Kanas P.S. Case No.132 of 2022 pending in the court of learned Special (POCSO)-cum-Additional Sessions Judge, Puri for commission of offence punishable under Sections 376(2)(n)/376(3)/294/506/34, I.P.C. read with Section 6 of the POCSO Act.
 5. It is submitted learned counsel for the petitioners that the principal accused in the present case is one Ananta Kumar Senapati. He further submits that the said Ananta Kumar Senapati had love relationship with the daughter of the informant, who is a major girl.

When the principal accused insisted to marry the daughter of the informant, present case has been registered against the family members of the principal accused. So far as the present petitioners are the cousin brother of the principal accused and that they have no role to play in the alleged commission of offence under Section 376, I.P.C. and at best, the case be made against the petitioners under Section 506, I.P.C.

6. Further, learned counsel for the petitioners submits that the age of the victim reflected in the F.I.R. is about 20 years and the case is not made out under the POCSO Act.

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 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 condition that petitioners shall not harass, torture, threaten or terrorize the informant and his/her family members in any manner whatsoever.

It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

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

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge