

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9198 of 2022

Barju @ Braja Bandhu Sahoo ***Petitioner***

Mr. Salauddin Khan, Advocate

-versus-

State of Odisha

.... ***Opp. Party***

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.08.2022

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.(Special) Case No.48 of 2022, arising out of Kamakhya Nagar P.S. Case No.280 of 2022 pending in the court of learned Additional Sessions Judge-cum-Kamakhya Nagar for commission of offence punishable under Sections 342/354-B/376(2)(n)/34, I.P.C. read with Section 3(2)(v)(va) of the SC and ST Act.
5. It is submitted by learned counsel for the petitioner that the present petitioners are the brother of the principal accused, namely, Saroj Sahoo, who had developed physical relationship with the informant and both the informant and principal accused kept

consensual sexual relationship. When the principal accused did not agree to marry her, the present case has been foisted against the petitioner with the allegation that he had accompanied the principal accused, who is the brother of the petitioner. It is further submitted by learned counsel for the petitioner that as per S.R., there is no case made out under the provisions of S.C and S.T. (PoA) Act against the petitioners.

6. Considering the nature of allegation, gravity of offence and the fact of the case, this Court is of the considered view that under Section 18 of the S.C and S.T. is not application to the facts and circumstances of the case, and not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves for bail 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.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge