

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9202 of 2022

Basanti Mahakul @ Mahakud and others ***Petitioners***

Mr. P.K. Nayak, 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 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 I.C.C. Case No.277 of 2018, pending in the court of learned S.D.J.M., Bhadrak for commission of offence punishable under Sections 342/366/376(2)(n)/307/471/420/379/294/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioners that the petitioners are family members of the principal accused Debasis. On perusal of the complaint petition as well as initial statement recorded under Section 200, Cr.P.C. reveals that the allegation is entirely made against one Debasis. Further, learned counsel for the petitioner

submits that there is no specific allegation against the present petitioners except petitioner no.4, who happens to be elder married sister staying at Bhubaneswar. So far as the allegation under Sections 366/376(20(n) are concerned, the same is against principal accused Debasis.

6. Considering the nature of allegation, gravity of offence and the fact of the case and the fact that the Petitioner No.4 against whom allegation is made and she is staying at Bhubaneswar, this Court is not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail 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 while on bail.

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

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge