

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9270 of 2022

Somani @ Somanath Nayak

....

Petitioner

Mr. S.K. Patnaik, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.08.2022

Order No.

02.

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 G.R. Case No.912 of 2022, arising out of Khurda Model P.S. Case No.272 of 2022 pending in the court of learned S.D.J.M., Khurda for commission of offence punishable under Sections 363/366, I.P.C.
5. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. It is further submitted by learned counsel for the petitioner that by referring the statement of the victim recorded under Section 164, Cr.P.C, she has categorically that there was no physical relationship with the present petitioner.
6. Learned counsel for the State confirms the submissions as

stated by learned counsel for the petitioner.

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 petitioner. However, it is directed that in the event the petitioner surrenders and moves 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, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not default in attendance of the court during trial on each date of posting;
- III. while on bail, he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and

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

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge