

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9314 of 2022

Kabul Behera @ Hemanta Behera ***Petitioner***
Mr. K.C. Rath, Advocate
-versus-
State of Odisha ***Opp. Party***
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
12.08.2022

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 Special (POCSO) Case No.49 of 2022, arising out of Bansada P.S. Case No.213 of 2022 pending in the court of learned Additional District Judge-cum-Special Judge (POCSO), Bhadrak for commission of offence punishable under Sections 451/323/354-A/ 354/506, I.P.C. read with Section 8 of the POCSO Act, 2012
5. 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 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 the petitioner shall not harass, torture, threaten or terrorize the informant and his/her family members in any manner whatsoever while on bail and he shall not default in attendance of the court on each date of posting.

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

6. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether the petitioner has any criminal antecedents. In the event it is found that the petitioner has any criminal antecedents indicated hereinabove, this bail order shall automatically stand revoked.

7. Accordingly, the ABLAPL is disposed of.

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

संक्षेपिक न्यायो (*A.K. Mohapatra*)
Judge