

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9385 of 2022

Uttam Kumar Mallick & others ***Petitioners***
Mr. Monomoy Basu, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. P.K.Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail.
4. It is submitted by the learned counsel for the Petitioners that the Petitioners are family members of the principal accused Akash Mallick. The allegation in the F.I.R. is entirely against principal accused Akash Mallick. In the F.I.R., it has been alleged that the Petitioner had helped Akash Mallick in the commission of the crime. However, the statement of the victim girl recorded under Section 161 Cr.P.C. reveals that she had a love relationship with the principal accused and on her own volition and consent she had gone with the principal accused Akash Mallick. It is further stated that the victim

has already been rescued.

5. Considering the nature of allegations made, gravity of the 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 Special Court, POCSO, Balasore in Special Case No.160 of 2022 arising out of Sahadevkhunta P.S.Case No.159 of 2022 within a period of three weeks from today and move for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate with further condition that the Petitioners shall not threaten influence terrorise or harass the victim in any manner whatsoever. Violation of conditions shall entail cancellation of bail.

6. Accordingly, the ABLAPL is disposed of.

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

