

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9515 of 2022

Kinar Gouri @ Gouri Naik ***Petitioner***
Dr. Binoda Kumar Mishra, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. Sitikant Mishra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
10.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Section 6 of the POCSO Act.
4. It is submitted by learned counsel for the Petitioner that the Petitioner is a transgender. On perusal of the F.I.R. it appears that there is allegation against the Petitioner of sexually harassing the minor son of the Informant. Further it is stated by learned counsel for the Petitioner that there is dispute between two sides, as a result of which case and counter-case have been filed. He further submits that F.I.R. at the first instance was lodged by the Petitioner against the Informant, and thereafter as a counterblast to the said F.I.R. the Informant has lodged the present case against the Petitioner.

5. Considering the seriousness of the allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders before the learned Addl. District & Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna in C.T. No.73 of 2022 corresponding to Kegtaon P.S. Case No.131 of 2022 within a period of three weeks from today, the Petitioner shall be released on bail on such terms and conditions as the learned A.D.J.-cum-Special Court may deem just and proper in the facts and circumstances of the case, but subject to the condition that the Petitioner shall not threaten, terrorise, ill-treat or harass the Informant and her family members in any manner whatsoever.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge