

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9693 of 2022

***Arun Kumar Nayak @ Babuli
Nayak and others***

....

Petitioners

Mr. B.Pr. Das, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.08.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned 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 G.R. Case No.449 of 2022, arising out of Dhamara Marine P.S. Case No.27 of 2022 pending in the court of learned J.M.F.C., Chandbali for commission of offence punishable under Sections 376(2)(n)/294/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioners that the petitioners, who happens to be the parents and younger brother of the main accused and the main accused giving false promise to marriage the informant kept illicit relationship with her and that when the informant did not succeed, the present case has been lodged against all the family members.

6. 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 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 conditions that :-

- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. they shall not default in attendance of the court during trial on each date of posting;

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.

Jagabandhu

(*A.K. Mohapatra*)
Judge