

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9798 of 2022

Sanjit Malik

.... ***Petitioner***
Mr. Sk.Zafarulla, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr.P.C.Das, 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 the learned Additional Standing Counsel. Perused the records.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
 4. It is submitted by the learned counsel for the Petitioner that on a plain reading of the F.I.R., no case under section 376 of the Indian Penal Code is made out against the Petitioner. Further, he submits that the victim was aged about 17 years and the Petitioner was aged about 20 years. They belong to same village. It is further submitted by the learned counsel for the Petitioner that because of some village dispute, the present Petitioner has been falsely implicated in the present case. Learned Additional Standing Counsel referring to the

164 Cr.P.C. statement of the victim confirms that the victim was not sexually assaulted by the Petitioner.

5. Considering the nature of allegations made, gravity of the offence and the facts 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 Special Judge (POCSO), Balasore in Special Case No.180 of 2022 arising out of Chandipur P.S.Case No.72 of 2022 within a period of three weeks from today and moves for bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate with further conditions that the Petitioner while on bail shall cooperate with the investigation and appear before the I.O. as and when required. He shall also appear before the trial court on each and every date fixed. The Petitioner shall not threaten, influence, terrorise or harass the informant and his family members in any manner whatsoever while on bail. In the event, it is found that the Petitioner is indulging in such activities, then this order shall stand revoked. It is open for the learned trial court to proceed against the Petitioner in accordance with law.

8. Accordingly, the ABLAPL is disposed of.

9. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge