

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9838 of 2022

Soubhagya Ranjan Mohanty ***Petitioner***
Mr. H.K. Mohanta, Advocate
-versus-
State of Odisha ***Opp. Party***
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned 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 C.T. Case No.23 of 2021(TC 262/2022), arising out of Rasgobindpur P.S. Case No.224 of 2021 pending in the court of learned J.M.F.C., Rasgobindpur for commission of offence punishable under Sections 376(2)(i)(n)/506/109/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that Niranjana Patra is the principal accused in this case. It is further submitted by learned counsel for the petitioner that the petitioner along with said principal accused, namely, Niranjana Patra have been released on bail by the learned trial court on 05.10.2021 for commission of offence punishable under Sections 376(2)(i)(n)/506, I.P.C. However,

charge-sheet has been submitted on 25.05.2022 making allegation of offence under Sections 376(2)(i)(n)/506/109/34, I.P.C. So far as the entire allegation is against the principal accused. It is also submitted by learned counsel for the petitioner that in the meantime, the victim has already married the petitioner and they are living together as husband and wife.

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 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 enlarged on previous bail granted by the learned trial court by order dated 05.10.2021 on such terms and conditions as would be deemed just and proper.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge