

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9876 of 2022

Purna Chandra Biswal @ Muna ***Petitioner***
Biswal @ Punia

Mr. Smruti Ranjan Mohapatra, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Sitikant Mishra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
20.10.2022

Order No.

03. 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 Sections 363/34, I.P.C.
4. It is submitted by learned counsel for the Petitioner that the Petitioner and the victim girl were in love relationship. Accordingly, both of them fled away from the locality and got married and they are not staying together as husband and wife and leading happy conjugal life. It is further submitted by learned counsel for the Petitioner that in the meantime the victim girl has been rescued and her 164, Cr.P.C. statement has been recorded by the Magistrate. In

the 164, Cr.P.C. statement, the victim has admitted all the aforesaid facts.

5. Learned counsel for the State also referring to the 164, Cr.P.C. statement, submits that the victim is a major girl, as she has stated before the Magistrate that she has married to the Petitioner on her own volition and both of them are living as husband and wife.

6. Considering the aforesaid submission, seriousness of the allegation, gravity of the offence and the 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 and moves for bail before the learned J.M.F.C., Bhapur in G.R. Case No.61 of 2022 corresponding to Fategarh P.S. Case No.61 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

7. The ABLAPL is disposed of accordingly.

8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida