

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9914 of 2022

Salauddin Khan & Others

....

Petitioners

Md. Golam Madani, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

22.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 376(2)(n)/307/506/34, I.P.C. and Section 66-E and 67 of the I.T. Act.
4. It is submitted by learned counsel for the Petitioners that the informant and the principal accused Sk. Raja Khan are related as brother-in-law and sister-in-law. He further submits that they had illicit relationship for seven odd years. When the marriage proposal was came for marriage of the informant, the principal accused intervened in the matter so that the marriage of the informant does not take place. When the matter was complained before the parents

of the principal accused, who are Petitioner Nos.2 and 4 here, they did not take any action to solve the matter.

Learned counsel for the Petitioner further submits that Petitioner No.1 is the elder brother of the principal accused, Petitioner Nos.2 & 4 are parents and Petitioner No.3 is the cousin brother of the principal accused and Petitioner No.5 is the friend of the principal accused. He further contended that the present Petitioners have no role in the alleged crime.

5. Considering the aforesaid submissions, 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 S.D.J.M., Bhadrak in G.R. Case No.2123 of 2022 corresponding to Puruna Bazar P.S. Case No.189 of 2022 within a period of three weeks from today, they 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, but subject to the further following conditions –

(i) That, the Petitioners shall cooperate in the investigation by appearing before the I.O. as and when required;

(ii) He shall not threaten, terrorise, ill-treat, harass the Informant and his family members in any manner and shall not tamper with the prosecution evidence in any manner whatsoever;

(iii) He shall also appear before the learned trial court on each date fixed for trial, without fail.

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

S.K.Parida

