

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9924 of 2022

Sanjay Sahoo & another

....

Petitioners

Mr. Amitav Tripathy, 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 363/366/376(2)(n)/109, I.P.C. and Section 17 of the POCSO Act.
4. It is submitted by learned counsel for the Petitioners that, one Manoranjan Sahu is the principal accused in this case, who committed rape on the Informant. However, perusal of the 164, Cr.P.C. statement of the victim, attached to the bail application, it is seen that the victim has stated that she had gone away with the principal accused (Manoranjan Sahu) on her own volition and thereafter both of them got married in a temple. It is further stated in the 164, Cr.P.C. statement that, against her will the principal accused

had kept physical relationship with her forcibly, as a result of which she has given birth to a girl-child. Finally he has stated that the principal accused is not accepting the Informant as his wife nor looking after the Informant and her daughter.

So far as the present Petitioner is concerned, it is alleged that the motor-bike of the present Petitioner No.1 was used in the alleged crime. Petitioner No.2 is the wife of Petitioner No.1. There is no specific allegation made against the present Petitioner in the F.I.R. as well as 164, Cr.P.C. statement of the victim.

5. Considering the seriousness of the allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned Addl. Sessions Judge-cum-Special court under POCSO Act, Nayagarh in G.R. Case No.118 of 2021 corresponding to Chandapur P.S. Case No.01 of 2017 within a period of three weeks from today, they shall be released on bail on such terms and conditions as the learned Addl. Sessions Judge-cum-Special Court may deem just and proper in the facts and circumstances of the case but subject to the condition that the Petitioners shall appear before the learned trial court on each date of trial, without fail.

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge