

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10001 of 2022

Nirmal Sethy and another *Petitioners*
Mr. P.R. Singh, Advocate
-versus-
State of Odisha *Opp. Party*
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with C.T. (Special) POCSO Case No.974 of 2022, arising out of Dhenkanal Sadar P.S. Case No.274 of 2022 pending in the court of learned Additional Sessions Judge-cum-Special Judge, (POCSO), Dhenkanal for commission of offence punishable under Sections 363/366/376(2)(n), I.P.C. read with Section 6 of the POCSO Act.
5. It is submitted learned counsel for the petitioners that one Anjan Sethy, who is the principal accused in this case, has taken away daughter of the informant. Further, learned counsel for the petitioners submits that as per statement of the victim recorded under Section 161, Cr.P.C. where the victim has categorically stated that she had fled away with the principal accused Anjan Sethy and thereafter, the said principal

accused forcibly committed sexual acts. It is also submitted by learned counsel for the petitioners that the petitioner no.1 is the father of the principal accused and the petitioner no.2 is the elder brother of the principal accused and that nothing has been ascribed against the present petitioners.

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 petitioners. However, it is directed that in the event the petitioners surrender before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that they shall cooperate with the Investigating Officer as and when required for the purpose of the investigation and while on bail, they shall threaten, harass and terrorize the informant and her /his family members in any manner whatsoever and they shall not default in attendance of the court during trial on each date of posting.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge