

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10008 of 2022

Amit Das

Petitioner

....
Mr. R.L. Pattanaik, Advocate

-versus-

State of Odisha

Opp. Party

....
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

07.09.2022

Order No.

- 02.
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 G.R. Case No.251 of 2022, arising out of Umerkote P.S. Case No.181 of 2022 pending in the court of learned ADJ-cum-Special Judge under POCSO Act, Nabarangpur commission of offence punishable under Sections 363/366/376(2)(n)/376(3)/109, I.P.C.
 5. It is submitted by learned counsel for the petitioner that one Nabin Sahu, who is the principal accused, has committed the alleged offence. It is further submitted by learned counsel for the petitioner that the principal accused has been arrested by the police and he is in custody. So far as the present petitioner is concerned, only he has assisted to the principal accused by driving the vehicle carrying the principal accused and the victim to their destination.

6. Further, it is submitted by learned counsel for the petitioner that on perusal of the materials and on examination of the same, it appears that initially, the victim left her parental house out of own volition and that there was consent of the victim with the petitioner for the alleged act. Charge-sheet has been submitted in the meantime.

7. 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 and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, she shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not default in attendance of the court during trial on each date of posting; and
- III. he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge