

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10027 of 2022

Rabi Dora

Petitioner

....
Mr. J.K.Khuntia, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K.Mohanty, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
23.09.2022**

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 366, 366-A, 376(2)(n), 506/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner one Kunal Khara is the principal accused against whom there is allegation of committing rape. So far as the present Petitioner is concerned, the present Petitioner is the friend of the present

Petitioner. There is no allegation of rape against the present Petitioner.

5. Learned Additional Standing Counsel on verification of records submits that there is no allegation of commission of the offence under section 376 of the Indian Penal Code against the present Petitioner. However, it is further submitted by the learned Additional Standing Counsel that the Petitioner may be liable for commission of other alleged offences.

6. Considering the 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., Koraput in G.R. Case No.425 of 2022 arising out of Padwa P.S. Case No.49 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, . संपन्निक नयते

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) He shall not threaten, influence, terrorise or harass the prosecution witnesses including the informant.
- (iii) He shall not tamper with the prosecution evidence in any manner whatsoever.

- (iv) He shall appear before the trial court on each and every date fixed.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

7. The ABLAPL is disposed of accordingly.
8. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

RKS

