

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10280 of 2022

Dillip Kumar Naik @ Dillip Naik ***Petitioner***
Mr. P.K. Sahoo, Advocate
-versus-
State of Odisha ***Opp. Party***
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.08.2022

Order No.

01. 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.120 of 2001, arising out of Kamakhya Nagar P.S. Case No.38 of 2001 pending in the court of learned S.D.J.M., Kamakhya Nagar for commission of offence punishable under Sections 366-A/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that the allegations made in the F.I.R. relates to the principal accused, who has already been acquitted. It is further submits that the petitioner is apprehending arrest on the statement of the victim in connection with the said case.

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 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, he 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; and
- II. he shall not default in attendance of the court during trial on each date of posting.

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

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge